PROCEEDINGS

OF THE

STATE RIGHTS' MEETING.

IN

COLUMBIA, S. C.

ON THE

TWENTIETH OF SEPTEMBER, 1830.

COLUMBIA, S. C.
PRINTED AT THE "TIMES & GAZETTE" OFFICE
1830.

MEETING.

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About 10 o'clock A. M. the meeting was called to order by the Chairman of the Committee of Arrangements, Col. Maxcy, and the proceedings of the meeting of the citizens of Columbia on the 14th of Aug. read, as follows:

"At a meeting of some of the citizens of Columbia, for the purpose of concerting a more general assembling of the citizens of the District, with a view to the discussion and more thorough understanding of the important political topics that engage the attention of the people of this State; for the purpose of learning more fully the views of the candidates who propose to represent the District in the Legislature, and of exchanging opinions with citizens from any other parts of the State, who may favor us with their attendance—Chancellor Harper was called to the chair; when the following resolutions were submitted by Dr. James Davis, and unanimously adopted:

Resolved, That the sacred compact which has united together the citizens of these United States as freemen, has been violated and disregarded.

Resolved, That the obstinacy of a reckless and usurping majority, persisting in these wrongs, imposes on us the obligation due to ourselves and our posterity to take the rightful remedy into our own hands.

Resolved, As frequent public meetings, with a free and full discussion of the topics agitating our State, contribute to enlighten the citizens, and rouse them to a sense of their injuries—that a public meeting of the District be called, at Columbia, on the 20th of Sept. next.

Resolved, That our candidates for the State Legislature be requested to give on that day an expression of their political views, and to say expressly whether they will support or oppose a convention of the people of this State.

Resolved, That a committee of five be appointed to give all proper notices of the intended meeting, to invite our Senators and Representatives in Congress, and such other persons as they think proper; and especially our immediate representative, the Hon. W. D. Martin, his excellency Governor Miller, and Major James Hamilton, Jr.; and that the Chairman of this meeting be a member of that committee.

Resolved, That a committee of twelve be appointed to make all other necessary arrangements.

Resolved, That we shall be gratified by the presence of any citizens of any portion of our State who may favor us with their attendance; and especially candidates for the State Legislature."

Col. Maxcy then announced that Col. John Taylor had been appointed President of the day—Chancellor Harper, Col. Wade Hampton, Col. Henry P. Taylor, Sterling Williamson, sen. Joel Adams, sen. and Dr. E. Fisher, Vice Presidents.

Col. Taylor took the Chair—Prayers were offered to the throne of the Almighty, invoking his holy presence, and his blessing on the solemn deliberations of the day, by the Rev. Mr. Goulding, and the Rev. Mr. Freeman.

The Chairman then disclosed the object of the meeting by the following Address—

Friends and Fellow Citizens: This meeting has been called with a view to the discussion and more thorough understanding of the important political topics which engage the attention of the people of this State, for the purpose of learning more fully the views of the candidates who propose to represent this District in the State Legislature; and of exchanging opinions with citizens from any parts of the State who may favor us with their attendance. Our invitations

have extended beyond the limits of our State, and such as may have given us the pleasure of their company from the other States, we shall be glad if they too will favor us with their opinions and sentiments. In behalf of this Meeting of the Citizens of Richland District, I promise to all a patient and attentive hearing. Here I should close, if the views of this meeting had not been misunderstood or wilfully mistated; by which it seems to me to be necessary that I should correct the error, or defend the honesty of our motives. Upon a candid view of our published proceedings, or the tenor of our invitations, which I have followed to the letter, I can see nothing proposed, that could be objected to by any people enjoying a representative government, on this or on the other side of the Atlantic. Perhaps I ought to except the minions of Charles X. of France, and the advocates of the old Sedition Law of John Adams the elder: for to the friends of despotism, or to the advocates of passive obedience and non-resistance, discussion, full and free discussion, has always been, and ever will be, unacceptable, odious and offensive. They shun the light because their deeds are evil. For this cause, this meeting as soon as publicly proposed, has met with the marked denunciation of the presses of a certain character. Richland has no salaries, no fattening contracts, no patronage, either in possession or expectancy, with which to hire the selfish and mercenary—our honest devotion to the principles of the Constitution, which we wish to preserve free from all profanation; our attachment to the privilege of freemen and to equal rights, obtained for us by the blood of our fathers, and which we mean not to part with; our moderation and self-controul, connected with an unyielding and manly firmness, *must be to us* instead of a phalanx of mercenaries. We have another defence for what we shall say and do to-day. There is no Gag Law or Sedition Law now in force, and I can tell you more, there will be none while Andrew Jackson remains President of the United States. We are here unprohibited by any Law or Constitution of this State, or of the United States. And what is it our desire that our deliberations should result in? I answer the selection of suitable and proper representatives, to represent our feelings and views in the State Legislature. How suitable and proper? Such, I hope, as will with ability, perseverance and firmness, give all their powers to the attainment of a remedy against the usurpations and infractions upon the letter and spirit of the Constitution of the United States, by those who administer it; and such as will, with quick-sighted vigilance, guard the sovereignty of the State of South-Carolina, and the rights of its citizens. And is this treason and conspiracy against the Union? In my humble opinion there is not one of these objects which, if achieved, would not tend to the perpetuation of the Union, and to the permanent prosperity and happiness of our country, throughout the whole extent of the Confederacy.

In a Confederacy of the extent of ours, and with such a variety of interests, it never would have come together without a written and solemn compact—a *Constitution*. This Constitution was made to guard the Rights of all and of each component member. If otherwise, why all the details which it contains? A Congress and Senate to pass, and a President to approve the laws, would be all that is necessary for making laws. But these laws, to be binding, must be made under the legislative restrictions contained in the Constitution, or they are a NULLITY. I said we should never have come together without having first adopted by solemn compact these limitations and restrictions, and without a small acquaintance with the genius and intelligence of the people of the United States, it is not difficult to foresee that we could not long continue together if these are disregarded. And as much as we are attached to the Union, (and I claim this to be the common sentiment of the people of this State,) yet a consolidated Government, a Government moving without limitation of power *could not* last; nay, more, it *ought not* to last, because such a Government would be unjust, and would have a natural tendency to oppress the minority. And if we should now submit, take not the fallacious unction to your souls, that under such ure msances, the Union can be lasting. Constitutions are made for the mi-rociin.ty What we are to be engaged in to-day, is the search for a remedy against

the infraction of this side-guard given to us by our Fathers—a barrier to the usurpations of the General Government on rights protected by the spirit and letter of the Constitution. Whether the right remedy has yet been started, I will not take upon myself to say—it will be for you to enquire. And he who shall become the author of such a remedy, peaceful and efficient, need not envy the fame of but one mere man that has ever lived—the Father of his Country. In the next niche in the Temple of Fame, would be its preserver.

Chancellor Harper opened the discussion, and in a forcible speech of upwards of an hour, advocated the call of a Convention of the State.

He was followed by Judge Richardson, who for an hour and a half addressed the assembly with great earnestness and eloquence, in opposition to Chancellor Harper's proposition, and the "Carolina doctrines" in every shape. When he had closed, the venerable patriarch of our Town, Col. Thomas Taylor, Sen. a distinguished Carolina leader in the Revolution, now upwards of 90 years old, rose and addressed the meeting with the most thrilling effect. He spoke to the audience as his children, and in a voice issuing as it were from the sepulchre of buried time, he warned them against calling a Convention, and re-enacting the bloody scenes, in which, in other days, he had borne a distinguished part. When he had closed, it was announced that Dinner was ready, and the Meeting adjourned to partake of the feast which our spirited fellow-townsman, Mr. Levy, had prepared with republican simplicity, yet with a taste and skill that would have tempted the *epicure* and *gourmand*. In less than half an hour, the crowd was again assembled around the stand, and listened to an address from Col. Samuel Hammond, another veteran of the Revolution, near 76 years of age. He told them that for many years he had viewed with alarm the encroachments of the General Government upon the rights of the people and the States—that the time had arrived when he thought a stand should be taken to save the nation. He was in favor of a Convention. He saw no danger that was likely to ensue from it, and was willing to entrust his own and the liberties of his country with such a body. He was succeeded by our Representative in Congress, the Hon. Wm. D. Martin, who came forward amid the cheers of the audience, and addressed them for upwards of an hour. He gave a forcible and affecting picture of the present posture of affairs, and utterly despaired of any relief from the voluntary abandonment of a policy so fatal to our interests. He warmly advocated a Convention.

Col. Preston being called for by the audience, rose when Col. Martin had ceased, and addressed them on behalf of the Richland Delegation. He supported the proposition of Convention. He was followed on the same side by the Hon. Joseph Black, Senator from Abbeville, a Republican of the old Jeffersonian school, and for the last 26 years a member of the Legislature. After he had closed, Judge Richardson rose to reply, and in a speech of near an hour, opposed the arguments advanced by those on the other side, and recapitulated the principal points of his own argument, to which he challenged refutation.—Col. Martin replied in few words to a portion of his speech, and some explanations ensued between them. R. Barnwell Smith, Esq., a Representative from Colleton, next took the stand, and in a short but animated speech, advocated a Convention. When he had finished, Chancellor Harper again rose and responded briefly to the challenge of Judge Richardson, on his recapitulated points.—He closed by submitting the following Resolution:

Resolved, That in the opinion of this meeting, it is highly expedient for the Legislature, at the next session, to call a Convention of the State, to meet after the adjournment of the next Congress, for the purpose of taking such measures as will relieve us from the unconstitutional and oppressive operation of the Tariff Laws.

It was now 7 o'clock in the evening, and the question being called for, the vote was taken on the resolution, just submitted. Upon a division, there appeared against the resolution only EIGHT!! The meeting was immediately adjourned.

It is only proper to state that when the vote was taken, the audience was not so numerous as it had been during the day. As the evening closed in, many

took their departure. Yet had *all* been present, there can be no doubt but the minority would still have been infinitely small.

Thus ended the proceedings. The greatest harmony prevailed during the day, and the whole matter was conducted in a manner worthy of the solemnity of the occasion and the all-absorbing subject of debate.

Various circumstances prevented the attendance of many of the invited guests.

Many letters were received, the entire publication of which would run the proceedings of the meeting to an extreme length. The following is a summary of their contents, so far as they express any political sentiment. We cannot, however, resist the inclination to publish entire the short communication of the venerable Gen. Sumter.

South Mount, September 18th, 1830.

GENTLEMEN,

I received an invitation from you, to attend a public meeting of the citizens of Richland, and to partake of a dinner at Columbia, on the 20th of this month. I regret that my age and situation in life will not permit me to attend the meeting and to mingle my sentiments with those of my fellow-citizens of Richland, on so important a question, as will be brought before them. I trust, nay, I know, they will deliberate with calmness and without passion on the best and most effectual means of rescuing our country from oppression: and when these means are decided upon by them, I hope *they* and the *rest* of my fellow-citizens of the State of South-Carolina, will act upon them and carry them into effect.

Your ob't servant,

THOMAS SUMTER.

To Messrs. John Taylor, Wade Hampton, Jr., John G. Brown, P. M. Butler, and William Harper.

The letter of the Right Rev. Bishop England expresses an opinion on the system of Internal Improvement, as leading to the ruin of our Union, if not unconstitutional; whilst he believes the power of regulating the Tariff to be exclusively in Congress, without any ordinary authority in a single State to declare it inoperative. He is of opinion that this power has been injudiciously exercised to the serious disadvantage of the South; but thinks the remedy for these evils has already commenced its operation; and whilst he would not desire to see South Carolina recede from any of the former declarations of her Legislature, he considers the holding of a Convention to be not only unnecessary, but very dangerous.

The letter of the Hon. William Johnson, (of the Federal Court,) expresses his opposition to the doctrine of nullification. He thinks a Convention a most hazardous measure, and altogether nugatory unless we mean to secede from the Union.

The letter of the Hon. Thomas Lee, (of the Federal Court,) deprecates every thing which has the remotest tendency to bring about disunion.

The letter of the Hon. John B. O'Neal, (of the Circuit Court,) expresses his opposition to the Tariff, both on the grounds of its unconstitutionality and inexpediency. He is willing that a Convention should meet at some future day; but hopes that it will not resort to nullification; which he thinks it could not do and remain a member of the Union; and that disunion, with its attendants, crime, anarchy and civil war, must necessarily result from it.

Col. Thomas Bennet, (President of the Bank of the State,) expresses his concurrence in the general hostility to the "American System." As to a Convention, his views are, that it is a revolutionary movement, and must inevitably endanger the Union of these States.

Gen. Starling Tucker, is of opinion that the annulling of an act of Congress by the Legislature, or a Convention, would be rebellion, and that the duty of the President would require him to resort to force to subdue it. He has no doubt but that a Convention may be properly called to propose amendments to the Constitution, or to petition for a redress of grievances, but thinks it unnecessary, as the system of Internal Improvements and Tariff will be shortly abandoned.

The letter of the Hon. E. H. Bay, after declining to attend, concludes, "my best wishes are, however, with you, and my fervent prayer is, that your deliberations may tend to advance the interests of South-Carolina, and aid in the bringing back the principles of our excellent Constitution to their original standard."

Col. Thomas Sumter concludes, "I shall be as ready to act my part at the polls or elsewhere, in applying the remedies to our grievances which shall be decided to be proper and necessary by the wisdom of the State, as if I had assisted in devising or recommending them."

Charles Cotesworth Pinckney expresses his wishes that the efforts of the meeting may promote the good cause of united and constitutional resistance to illegal taxation, and sends us a Toast:—"*The State of Georgia*—One that asserts her rights, and dares maintain them."

Col. Thomas Pinckney fervently hopes that the deliberations of the ensuing Legislature will result in the presenting the question to our faithless co-partners in a shape not liable to be "laid on the table." He thinks that if we are true to ourselves, we are sufficient for ourselves; that the time has arrived for decisive action, and adds, "I am ready."

Col. Eldred Simkins communicates his warmest approbation of the objects of the meeting, and gives us a sentiment:—"*A cordial union of the Southern States at this crisis*—Identified in interest as they should be in feeling, but a clear right in each to move upon her sovereign powers. In the end an Union *must* take place."

Doctor William Butler thinks that if something is not done speedily by South-Carolina, in her sovereign character, to arrest the progress of the evils caused by the Tariff and Internal Improvements, bankruptcy and ruin will be the spectacle exhibited within her territory, or her citizens will be driven to seek a residence in sections of the country more favored by the General Government. He thinks that the Constitution has been trampled on by an unlimited majority, and that the combination by which this majority is formed in Congress, has its foundations too deep in principles of our nature, ever to be voluntarily abandoned. Our only hope of redress is with ourselves. He gives an opinion in favor of a Convention.

Tandy Walker, Esq. is inclined to believe, from late indications, that the great principles of constitutional liberty, for which we are all contending, will yet triumph in Greenville.

Gen. Blair refers to late publications for his opinions, and gives as a sentiment—"South-Carolina, if she must *now act* against the general government, may she assume her ground with the cautious wisdom of a Nestor, and maintain it with the DESPERATE courage of Leonidas."

Other letters were received, and as they contain no expression of political opinion, it is not thought necessary to notice them specifically. The following are published entire—

Charleston, Sept. 14th, 1830.

GENTLEMEN,

I regret that the occurrence of yellow fever, and the fact of my family having been estranged for the summer climate of Charleston and its suburbs for some years past, begets an anxiety for their safety, which prevents my leaving home and joining your meeting on the 20th inst. Although I could not have hoped to have contributed any thing to the wisdom of your consultation, yet I feel confident I should have derived much pleasure and instruction from a free interchange of opinion with yourselves and the gentlemen who, without doubt, will favor you with their presence.

I have neither time to write, nor do I apprehend it would suit either the leisure or convenience of your meeting, to read a long essay on the subject of our wrongs, or on "the mode or measure of their redress."—I cannot, however, permit the occasion to pass without saying very briefly a word or two:

I have come to the conclusion that the public mind of South-Carolina will never be composed either to a resistance or even to (an *unhappy*) submission to that compound of fraud and injustice miscalled the "American System," with-

out an appeal from what the Legislature *has done*, to what a Convention *may do*. By our Constitution, a large portion of the most talented and patriotic citizens of our State, are excluded from the Legislature, who would be eligible to seats in this assembly, by which a vast amount of wisdom and public spirit would be added to our public councils.—Such an assembly, emanating immediately from the people, and charged by public sentiment with a special function, could not fail to perform its duties with wisdom, dignity and moderation.

I challenge the production of a solitary instance or fact, not alone in the history of our own State, but in that of the other States in this confederacy, which invalidates this truth, viz: that no convention has ever assembled in the United States, even in moments of the greatest popular excitement, which has not resulted in a soothing and salutary effect on public feeling, and in the end, has strengthened the great principles of social order. South-Carolina has, I believe, from the time of her change from the proprietary to the royal Government in 1791, witnessed three Conventions, all of them have resulted in the consequences I have indicated, and on a recent occasion we have seen the great State of Virginia kept almost from an internal revolutionary movement, by the bland and harmonious action of one of these great primary and elemental assemblies, which appear only to be known in their full efficacy and virtue to our political systems. It is however said, if a Convention meets, it must nullify, or be disgraced. Whatever may be my opinion of this mode of redress, I am far from admitting this proposition. It no more follows, than that a physician, with more than one remedy before him, is compelled to apply the actual cautery to the sore leg of his patient. I do not know that Esculapius himself would have been disgraced for withholding this extreme remedy, nor do I believe that a Convention of the State of South-Carolina would sustain any ignominy by occupying a middle ground that might look towards a co-operation of the other Southern States and take measures to effect this desirable end. I believe an invitation to those States, to unite in a joint Convention, for the preservation of our joint rights, would come with infinitely greater effect from such an assembly, than in the shape of a mere legislative recommendation.

It may be that the public mind is not sufficiently informed of the true character and probable consequences of the exercise of *a Veto* on the part of the State on an act of Congress to authorise that measure, being now considered as one of the probable or legitimate acts of Convention. But, I ask whether it would not be worth all the time and money which a Convention could possibly cost the good people of this State, to have on full deliberation the point settled, whether we have any other arbiters excepting the Supreme Court or the Sword, on points of difference as to the construction of the Compact, between the States and the General Government.

Mr. Jefferson and Mr. Madison, and the Legislatures of Kentucky and Virginia, tell us we have. However eminent these authorities, they still may be fallible, and it must be of the last importance to have either the truth or soundness of their opinion settled. If the latter, that we may look out for some other mode of arbitration between the States and the General Government, to prevent either the recurrence or necessity for revolution.

The right of interposition, on the part of a sovereign State of this Confederacy, to arrest the progress of an unconstitutional law, Mr. Madison expressly affirms. Others may refine on his words and endeavor to wrest their meaning from what they plainly and directly import, but for one, I should like to have the decision of a Convention of my own State, on a point of constitutional law, which if true would seem to secure to our confederate system a conservative principle, which must forever preserve it from the dangers of disruption, either by secession or revolution, by compelling a majority in the confederacy to review its measures, and assent to some common arbitration other than a tribunal paid by one of the parties, and whose decision on all matters of sovereignty would be utterly destitute of all authority and respect.

I have received during the summer a valuable mass of testimony from Virginia, as to the contemporary construction of Mr. Madison's resolution of '98, which if

necessary, and at a reasonable time I shall bring out, although I cannot say with Falstaff, that it shall not be "on compulsion."—In the meantime however, you will be somewhat surprised to learn, that Virginia did actually carry into practical operation, her nullifying doctrines of '98, by passing a penal act, which you will find in the 32d. sec. of her revised code for the purpose of protecting the members of her Legislature from the pains and penalties of the Sedition law, who were not by any saving clause in that law, protected from its enactments.

I have always looked to the present contest, with the General Government, on the part of the Southern States, as a battle at the outposts by which if we succeeded in repulsing the enemy, *the citadel would be safe*.—The same doctrines "*of the general welfare*" which enable the General Government to tax our industry, for the benefit of the industry of other sections of this Union, and to appropriate the common treasure to make roads and canals for them, would authorise the Federal Government to erect the *peaceful* standard of servile revolt, by establishing colonization offices in our State, to give their bounties for emancipation here and transportation to Liberia afterwards.—This last question follows our giving up the battle on the other two, as inevitably as light flows from the sun. But say some of our countrymen who are constantly suffering under severe fits of moderation and uncommon gleams of illumination, when this arises, then indeed are we prepared for resistance—even to disunion—without recollecting that of all questions, this is the last on which the South ought to desire to make battle, that however we might be united at home, we should have few confederates abroad, whereas on the subjects of free trade and constitutional rights, we should have allies throughout the civilized world. For disunion I am not either prepared or willing.

To conclude gentlemen, I should be disposed for one to confide in the wisdom and patriotism of a Convention, the interests of my family, my own life, property and honor.—I believe it would result in Peace and Union. I believe no measure would be adopted by it on which our own people were not united by nearly an unanimity of sentiment.—No measure ought to be hazarded without this near approach to unanimity. S. Carolina can only be efficient and respectable by a cordial harmony among her sons. No step should be taken from which intestine commotion can possibly arise. Let not the party, in favor of the sovereign rights of the States, be any longer divided upon mere questions of remedy, let the only line of division be between those, who are for unconditional submission, and those who are for a firm and persevering resistance. There may be many good men among the former, as there were many conscientious Tories during the war, but it is quite sufficient to know that they are "not of us."

My own belief is, that a steady and firm action of South Carolina through a Convention will put the points at issue between her and the General Government, on such a basis that our difficulties must be compromised, and that it will be the glorious destiny of that hero who saved our country by the valor of his arms, again to preserve it, by the mediatorial interposition of his wisdom, moderation and virtue. In great haste to save the mail, I have the honor to remain with great esteem, very respectfully your obedient servant.

JAMES HAMILTON Jr

John Taylor, Wade Hampton Jr., P. M. Butler, John G. Brown, William Harper, Esqs.

Charleston, 15th Sept. 1830.

GENTLEMEN,

I regret that it will not be in my power to attend the public meeting to be held in Columbia on the 20th inst. "with a view to the discussion, and more thorough understanding of the important political topics which engage the attention of the people of this State."

I have so fully, and on so many occasions expressed my opinions on these topics, that it is unnecessary for me to repeat them here. I cannot refrain, however, from declaring my thorough conviction, that the abandonment by South-Carolina, at this time, of the grounds heretofore assumed by the Le-

gislature, must have the most unhappy effect on the great cause of *State Rights*—will open the door to other and still more fatal assumptions of power on the part of the Federal Government, and will leave us, in the end, no alternative, but "*submission* to a Government without limitation of powers." Believing, as I sincerely do, that the Union of the States is of inestimable value, but believing at the same time, that this Union *can only be preserved* (consistently with public liberty,) by a firm, steadfast and uncompromising opposition to all usurpation of power on the part of the Federal Government, I cannot but hope, that the patriotic efforts you are now making to enlighten the public mind on these topics, will be attended by complete success. I am perfectly satisfied, that *union among ourselves*, is alone wanting to secure us "a happy issue" out of all our difficulties. I trust, therefore, that the free interchange of opinions, which will take place on the 20th inst. at Columbia, may result in establishing that harmony of feeling and unity of sentiment among the true friends of State Rights in all parts of the country, which cannot fail to be productive of the happiest consequences.

With my best wishes for the success of your exertions, believe me to be, Gentlemen, with great respect, your most ob't servant,

ROBERT. Y. HAYNE.

To the Hon. John Taylor, W. Hampton, jr. J. G. Brown, P. M. Butler, and Wm. Harper.

Charleston, Sept. 14, 1830.

GENTLEMEN,

I regret exceedingly that an unwillingness to leave my family at this sickly season, compels me to decline the honor of your invitation to be present at your meeting and dinner on the 20th inst. Under any other circumstances I should have felt it my duty to attend; not because it would be necessary for *me* to give my views of the usurpations of Congress on the reserved rights of the States, and of the remedy which our honor and our safety prescribes, (for my opinions on these subjects have been long before the public,) but rather for the opportunity that would be afforded me, to use the little influence I possess, in removing some of the objections which our citizens urge against a convention of the people, in their *original* character of sovereignty.

It is deeply to be lamented, that the merits of the question of "convention or no convention," should be so imperfectly understood in many of our parishes. The great difficulty with the friends of State Rights is, not that the people are incapable of comprehending a question, in itself so simple, for their known intelligence forbids any such idea; but that efforts are unceasingly made by the *consolidation* party, to represent the views of all who are favorable to a convention, as connected with intemperate resistance, "civil war, blood and revolution." It is so much easier to appeal to the fears, than to the sober judgments of the great body of the citizens, that all attempts to counteract such appeals are like the labors of Sisyphus. But when they are urged by intelligent men, under the *covert* professions of being the *moderate* friends of State Rights, these appeals become irresistible. It is this description of persons who have always retarded the progress of every revolution, which has ever taken place in *government*, or in *public opinion*. The history of our own revolution abundantly attests this fact; and the cause is obvious. Moderation is the *garb* which the enemy always assumes, to paralyze your efforts, when he cannot succeed by the means of *open* hostility. We have had an illustrious example of this in our late City election. When the people had become too enlightened to listen any longer to the "craven notes of submission," as chanted by the ultra Clay and anti-Jackson party, the friends of consolidation resorted to the new expedient of calling themselves "States Rights men," and with all the self complacency imaginable, denounced us as the *ultras*, and styled themselves as the *moderates*, of the State Right party. There is not now in this city, a consolidation man in any visible shape. We are all State Rights patriots.

Under these circumstances, when men high in office, or of known high character and influence, in this garb of moderation, go into families, and talk of war, blood and conflagration, predicting the worst calamities, if the *original* States Rights party be not defeated, is it a matter of wonder that a convention should be regarded, as it really has been by some people, as an unchained monster, which is ready to "cry havoc, and let slip the dogs of war." The surprise rather is, that under such unworthy conceptions of what belongs to the discretion, and the duty of a *primary* assembly of the people, there should be any who desire a convention. The *consolidation* men have made the question of convention or no convention, a question directly of *peace* and *war*, and in this way they have brought the idea of convention into disrepute. Now in my humble view, I think it just as *possible* that a convention should err on the side of *submission*, as on that of *resistance*—that it may do *too little* by doing *nothing*, as that it may do *too much* by doing *every thing*. But the most rational conjecture, under present appearances, is, that a convention will probably steer between two extremes, and take a middle course. That it will neither inculcate permanent *submission*, nor immediate *resistance*; but that it will make a temperate, solemn and dignified appeal to the Legislatures and people of those States, which are united with us in interest and feeling, and thus to solicit their co-operation, and by an united effort, to have the whole controversy submitted to the source of all power, a General Convention of the States. This is a course to which the most *timid* patriot could not object, while it would be regarded by the most resolute, only as another evidence of our moderation, our councils preferring to exhaust the cup of forbearance to its very dregs, rather than throw it away in angry feelings. The friends of State Rights could not, as a body, be dissatisfied with such a decision of the Convention, for under such a state of things, the cause of South Carolina would not be dead, nor even asleep. She would be like the Indian Chief, alluded to by Mr. Jefferson in his memorable letter to Judge Johnson, on the usurpations of the federal judiciary, "that subtle corps of miners and sappers of the confederated republic," as he has also termed them on another occasion. The Indian Chief "said, that he did not go to war for every petty injury by *itself*, but put it into his *pouch*, and when that was *full*, he then made war." God knows our *pouch* of injuries from the general government has been full, and so *crammed* for some time past, as to justify any species of resistance on our part. But a convention will abstain from war, not because, like the Indian Chief, it would wait for a more convenient season to gratify a spirit for war, but because, guided as that body will be, by the lofty motives of its patriotism and love of union, it will be happy to exclaim with the sage of Monticello, "Thank Heaven! we have provided a more peaceable and rational mode of redress," a reference to a general convocation of the States.

As regards myself, I can see no evil, but on the contrary much good, to result from immediate and decisive action. But as many distinguished men of the State Rights party are of a different opinion, there is not the smallest hope that my views will prevail. I have expressed them honestly, as is the duty of every citizen at this crisis. It is my individual opinion. I am responsible for it, and not the State Rights party.

In conclusion, I beg leave to offer a sentiment, the applicability of which will strike all, who have read the great speech of the great Edmund Burke, on American taxation.

Our Federal Constitution.—May it not be the *first* illustration, in this western world, of the truth of the maxim, "that the FORMS of a *free*, and the ENDS of an *arbitrary* government, are not altogether incompatible."

I am, Gentlemen, with great respect, your ob't serv't,

ROBERT J. TURNBULL.

To Messrs. John Taylor, Wade Hampton, Jr., John G. Brown, Pierce M. Butler, and Wm. Harper.

Charleston, 15th September, 1830.

GENTLEMEN,

I have had the honor to receive your letter of the 16th ultimo, by which I am invited to participate in "a public Meeting and Dinner, at Columbia" on the 20th instant. You are also pleased to add, that "the meeting is called with a view to the discussion and more thorough understanding of the important political topics which engage the attention of the people of the State."

I regret that circumstances connected with my domestic concerns, will prevent me from enjoying the pleasure and honor which your invitation puts in my power. But presuming that it will be in accordance with the objects of the meeting, to receive the views of those who have been invited to attend it, and are unable to do so, and lest it may be supposed I am unwilling to give publicity to mine, I will subjoin them in as few words as the nature of the subject will permit.

On the topics that now so much agitate the public mind, I have never had but one opinion, affecting as well the injury as the remedy. The injury, I think, far exceeds the common estimate. That considers it as an unjust, unequal and oppressive Tax, terminating in itself. The magnitude of the evil, in this view, would ordinarily be supposed cause enough for resistance, in the most extreme modes, when, as in this case, it is obvious, the common remedy under our Institutions—that of the Ballot Box—does not and cannot apply; and when to mention it, is to mock the sufferer. But the evil swells, when we consider its motives, tendencies, abuses and probable duration, to a size and shape altogether alarming. In these views, we behold among other evil results, a power in which we have no practical participation, and over which we have no controul, to Tax us, employed not simply in imposing the burthen of the day, unjust and enormous in itself, but in establishing, at the same time, principles, which in their effect and tendency, subvert, first, the great pecuniary interests of the South, and, next, all the protective power, with which the scheme of our Government had clothed them. For while these burthens are imposed, to the great injury and perhaps to the final subversion of those objects of our industry on which they bear, and, not for the ordinary and legitimate purpose of revenue, but to build up new and artificial interests, supposed to be beneficial to other and distant portions of the Union; while, I say, they are imposed for such unjust and insufferable purposes, they are at the same time appropriated to interest other States, by the division of the spoil, in the permanency of the policy, and thus to deprive us of all hope which might have grown out of the balanced interests of the community, through the disinterestedness and impartiality of the latter portions of the Union. In this way, we behold the burthen fixed upon us with double power and probably forever.

I believe this statement to be faithfully true, except as it shall be wanting in strength; and if it be not greatly overcharged, does it not exhibit a case involving most deeply and injuriously the interests, the honor, and the practical independence of the State? In the same manner it affects all the Southern States.

On the only occasion, on which I have expressed an opinion in public on this subject, I declared my belief that the Southern States suffered all the evil legislation and ignominy of a colonial condition, without any of its advantages.—The condemnation and vituperation which have been cast upon this opinion, have not changed it. I still entertain the opinion and still think that the evil ought not to be borne, but ought to be resisted (at the proper time and under the proper circumstances) at any and every hazard. It ought to be peaceable, if possible, and every means calculated to make the issue peaceable, ought to be patiently and judiciously employed, before we think of force: But if force be indispensable to effective resistance, I do not hesitate to say we ought to suffer and employ it, rather than submit. Submit! Why, the question is, whether we will bear oppression or not! And is this question submitted to a free people? Oppression in the worst and most dangerous of all forms—oppression in the imposition of the great pecuniary burthens of the State, where Tyranny, whether popular or monarchical, always begins its attack. Let Government have the unlimited and unrestrained power to impose pecuniary burthens, and that Government be not self-Government, and what is left of Liberty and Independence?—And will it be any mitigation of the reality or weight of the evil, that you suffer under the forms, without the power of self-Government? When I say this oppression ought to be resisted, at any and every hazard, I walk on consecrated ground—that of our Revolution—and, am sustained by the general examples of history. The motives of that Revolution, however just and satisfactory, are paltry, compared with the evils of these impositions, whether we consider them in their direct effects, or in their future tendencies; nor is there a page in the volume of history that contains so foul a blot as the record of the final submission of Independent States, uncontrouled by power, to such unequal and unjust legislation.

But, as I remarked on the public occasion on which I first expressed the opinion that the evils of which the South complains ought to be resisted, so on this I say, I deprecate all action by one State. I have no confidence in any resistance, peaceable or forcible, which shall not embrace a majority of the suffering States. I believe—I am sure, it will be abortive resistance. On the contrary, to will, by a united determination, a redress of Southern wrongs and the security of Southern rights, will be effectually to accomplish both. Any measure by one of the suffering States, alone, will be a measure of feebleness, subject to many hazards. Any union among the same States, will be a measure of strength, almost of certain success.

The case must be one growing out of long suffering and deep tribulation, where a single State forming one of a closely united family, (I mean not merely a political connexion, but one of sentiment, and feeling, and interest, and juxtaposition, such as the Southern States eminently form,) can act alone with spirit and success, when it shall not have the sustaining approbation of the sisterhood; and still more so, if the cloud of their disapprobation shall cast its shadows on the effort.

The full power of public sentiment may be considered a sort of modern discovery, if it be not, in a regulated shape, entirely a creature of modern institutions. It is at least one of infinite influence, by which the conduct of every free State is absolutely governed. That public sentiment, however, is not the feeling merely of a part of the community, but of the whole of that aggregate people, however numerous, and though separated into Independent States, who have a common identity. This common identity expands or is contracted by the subject which it affects. There is a common identity and a common public sentiment (the weaker to be sure when so expanded) embracing all civilized people. In our external relations, there is a common identity and a common public sentiment embracing the whole Union. But in our internal relations, the States are divided into Western, Eastern, Middle and Southern sections. The South has thus a separate identity and a common public sentiment among themselves, (the stronger from the nearness and intimacy of their relations,) in reference to their internal or peculiar affairs. There may be cases where this common or peculiar identity may be confined to a single State—for example, that of Georgia, on the Indian question. Where this common identity and consequent common public sentiment affect any subject, it is scarcely possible for any one member of the confraternity of feeling and character, to act alone upon it, because, according to our maxim of the power of public sentiment, the conduct of the whole mass must be in conformity with the sentiment of the whole mass. It is vain to say that each is a separate sovereign, and if others do not duly feel a common injury or dread a common danger, it becomes the duty of an individual State, if it cannot combine with the others, to act alone.

The logic may be perfectly clear, (which, by the by, I do not concede, except as applied to extreme cases,) but it will be found impossible to make it practical. There is a *spell* which manacles the most vigorous. There is a forbidding aspect, not of terror, but of fraternity, which we cannot meet without relaxing in our determinations, however fixed they may have been. Neither excitement, nor pledges, nor the sanctions of the soundest wisdom, (such, I mean, as would

be so, if supported by the general adoption and approbation,) will sustain the actor, when unsupported by the public sentiment of the sphere to which he belongs. He may plunge in with the utmost determination, (desperation, if you please,) but if he be human and rational, he will be recalled by the cold or the forbidding regards of the public sentiment.

It may be truly said, then, I think, that all seperate action by one of the Southern States on this question, which is common to them all, however wise would be the same measure, if it were favored by the general adoption, will be feeble and unsuccessful.

I proceed now to notice some of the specific grounds which have been suggested for the action of this State. Among these, *remonstrances*, in the sovereign character of the State, seem not altogether to be discarded. These I consider as worse than idle, for so ought all dependance on means so certainly deceptive and delusive to be considered. For the utter worthlessness of this mean, let our imaginations transfer us to Washington, on the occasion when the solemn protests of this State, and of the State of Georgia, were presented. They could not have been presented with more dignity, or with more eloquence, or in a more impo-ing manner. But did they attract any consideration, or produce any sensation? I appeal to those who were present on the occasion, whether the repose of the letter writers, at their desks, was broken by this awful presence of two remonstrating sovereigns? A proposed appropriation of a few hundred dollars to indemnify a petitioner for a negro lost in the campaign of New-Orleans, excited fifty—nay, I am sure I do not exaggerate, however hyperbolical the statement may appear, when I say fifty thousand times the sensation that was produced by the protests of these sovereign States.—And will you remonstrate again under like circumstances?

On *nullification*, another of the specific modes of action which have been suggested, I think a construction has been put, in this State, different from that which Jefferson and Madison, and the Virginia and Kentucky Legislatures intended it should bear. I do not say a less correct one. They, as I suppose, considered it a mere declaration of opinion on the part of the States of the invalidity of the law. Nullification in this sense has already been adopted by this State and a majority of the Southern States.

The "interposition" of which these high authorities speak, and which they hold out as an ulterior remedy, if the moral influence of the nullifying declaration shall not be effective, is simply the exercise of that power that belongs to and cannot be separated from a State which remains sovereign.

The books talk of dependent sovereigns, but the common sense of that is, that those who are so called, either, from motives of interest or policy, agree voluntarily, and during their pleasure, to suspend or delegate a portion of their power, or, are under forcible subjection to another power, and are in the latter case, not sovereign in a just sense.—Sovereign States may suspend or delegate the exercise of many of their powers, without a diminution of their sovereignty, under a compact with other sovereigns. But whatever name be given to this compact, if the confederate States remain sovereign, it is no more than a *treaty* of a solemn kind, which any State may withdraw from at pleasure. One State of the confederacy may interpose by entreaty, by negociation, or by remonstrance, with a view of obtaining redress of a particular evil in the execution of the treaty, and still acknowledge the binding efficacy of it, or it may at once resume its power and exercise, and sustain, all its original rights at pleasure, as if no such treaty had ever existed. It has precisely the same means to sustain itself that all sovereigns have—the moral and physical force of the State. It is subject to the same control (and no other) which may be brought to bear on all sovereigns, namely, the like moral and physical force. But whatever be the true doctrine on the subject of nullification, there is too great a diversity of opinion on the expediency of it, to authorize its adoption, at this time, in the sense put upon it, in this State.

The last of the specific modes of action which have been thrown out, is a *Convention* of the people of the State, to be called under the Constitution of the

State. This I conceive to be equally impolitic, and still more unsuited to the occasion and the object, because (I speak with great deference, but not with less confidence) it can lead to no *authoritative result*, and it appears to me to be proposed for the worst reason imaginable—a want of any definite notion of a practical line of conduct. A Convention, I conceive, should only be called for some great specific object. No one has however suggested any definite question of decisive character on which this Convention is to act, except that of nullification. And why should a convention be called on this question? It cannot even act upon it, in an authoritive shape. A Convention, employed according to the principles of constitutional government, *can only act on the frame of the government, that is to say, give, take away, or modify its powers. It cannot legislate!*—by what process then can it nullify? As to the authority of the government of the State, as it now stands, it is not in the power of the Convention to increase it with reference to the subject of sovereign rights, which are those in question. No government which recognizes the right of the people to abrogate or modify its existence can have greater power than the government of this State already possesses on such subjects. It has all the power that, on such questions, can be conferred on a government. It is an unlimited sovereign Government, in reference to all other States and Government. The Convention therefore can do no legal or authoritative act unless it assume a revolutionary vigour, dissolve the actual government, and invest itself with all power.

I know it has been said that the ligature of the Union was tied by a Convention and that therefore our relation to it cannot be changed but by a Convention. This doctrine is both fallacious and dangerous. It would be to impair, if not to deny our great first principle, that the Union is a confederation of sovereign States. The Conventions which ratified the Constitution of the Union were instruments of the States sovereignties, called by their power, and responsive merely of the popular opinion. The people on that occasion neither dissolved, nor modified their corporate existence. It was a mere method of collecting the sense of the people on a point that the corporate sovereignty was able (as in the confederation of 1778,) to have decided without the reference. There is nothing in the nature of the two instruments, which requires the direct confirmation of the people in the one, and dispenses with it in the other. The greatest of all powers—those of peace and war—were invested in the confederation of 1778. The people may annihilate or modify the State Governments when they please, but as long as they exist and are sovereign, they not only represent the people, but are the people in their corporate capacity. I am constrained to believe, (though I confess the sin of having long wandered from this good faith,) that there is neither safety nor truth in any doctrines which do not recognize, *in all external relations*, the Governments of the States *exclusively* as the people of the States, and the *only* visible signs by which they can be seen or known as sovereigns.

But so very indistinct and even wild are some of the motives assigned for the call of a Convention, that it has been gravely urged as one, that if a practical remedy cannot be struck out by it, it may be used to put an end to the excitement altogether, by a popular sedative (through some act of the Convention,) of the whole question! This does seem to be sporting in very wantonness with the most serious and sacred objects.

It has been also suggested, that a Convention may remonstrate, and that coming from such a body, it would command the attention of the General Government. Such an act of the Convention, for the reasons already suggested, would be merely popular, not legal—of the nature of a like remonstrance of any ordinary popular Convention, tho' more solemn and comprehensive, and would be exceptionable, as it would have a tendency to invalidate the authority, legal and moral, of the regular government. Nor is it probable the influence supposed would be felt. Bodies acting out of their sphere, are likely in politics, as in nature, to loose their attraction. I am afraid a Convention thus employed would be considered as a wandering planet. For who can seriously think of remonstrances after our experience of their inefficacy? For myself, I deem all remonstrances to be utterly idle and hopeless when they come from a single State. But if the

Southern States will raise a united voice, I have no doubt it will not only command attention, but likewise acquiescence in the demands.

I differ, therefore, entirely from those who have recommended modes of separate action. But I must be understood as not meaning to join at all in the oppobrious censures, which have been cast upon these measures or the distinguished men, who have put them for the public consideration. All I mean is respectfully to submit my reasons for a difference of opinion. These distinguished men are the ornaments of the State, have hitherto been and will continue to be its truest, ablest, best and most faithful advisers; and to withdraw the public confidence from them, would be at once ungrateful and unwise. The public is indebted to them for all the just views it has on the subjects which now so intensely agitate, and which must always so deeply interest it. They have been the faithful sentinels of the State, and if they be withdrawn from its watch-towers, I fear it will be by a voice much less true to the interests of the people, and much less worthy of their confidence. Not to sustain them would be little less than to abandon the struggle.

But it may be asked, "how is this union of effort, on the part of the Southern States, to be brought about, and when is it probable they will effectively unite?" The first part of this enquiry is very easily answered. Any mean (the simpler the better, for all incipient measures,) which will enable them to exchange their views on the subject, will be satisfactory. The remaining member of the enquiry is much more difficult—"When is it probable they will effectively unite?" Any one accustomed to the contemplation of public affairs, will see, at a glance, that the actual condition of the politics of the Southern States, in connexion with the politics of the Union, are not only the cause of the present apathy of the States, but, in all likelihood, will continue to smother their feelings and confound their views for some time to come. But inevitable delays are no argument against union and co-operation among the aggrieved States. These means are indispensable—no others are either practical or practicable; all others will be deceptive at first and finally abortive. The Southern States on this subject are one people—one in interest, in feeling, in suffering, in locality and in power, and ought not to separate in resistance, whether peaceable or forcible. Let them unite, and whatever they demand will, in all likelihood, be peaceably granted, if they sustain it in a proper manner. Let them unite, and if their reasonable demands be not peaceably granted, they may be forcibly maintained. But when I talk of force, I consider it as a result altogether beyond the range of probability, if the Southern States unite in their counsels and their demands. The fear, however, of this result, has been arrayed in all the horrors of Civil War and Disunion, and has been the great engine which has been worked against the cause and the friends of State Rights—sometimes under the most honest convictions, but oftener with the most crafty designs. War of any kind, if the South do not separate in their efforts, I consider as altogether visionary; but if it shall come, and we meet it under a united banner, it will be divested of all the evils of Civil War, in the ordinary acceptation of the term. As to Disunion, it is the most improbable of all events at this time. The motives to Union are so strong, that it will resist the assaults even of its worst enemies, who are those who would maintain it in its oppressive usurpations.

South Carolina will, on her part, allow no caprice of feeling, nothing short of vital, intolerable and enduring evil to sever its bonds. Disunion will not be her choice, but her necessity. But if such necessity shall "fall on our times" and drive the Southern States (for South Carolina will not go alone) for a moment, from the Union, it will be but for that brief space, which will be sufficient to show to other members, the true nature of the Confederacy of these United States, and how much more they are interested than we are in its preservation. We shall be called back by such an impatient wooing as neither Romance nor Poetry hath typyfied. New England, for example, knows her interests too well (if she does not, the event will teach her) not to give up a brace of American Systems rather than loose the advantages she enjoys from a union with the Southern States. Great as is the interest of the last mentioned States in the preservation of the

Union, it is a simple and single one. Neither more nor less than the love and happiness of peace with their sister States. It is merely a *negative* advantage, (but not the less therefore) to use the language of a very learned and eloquent divine (Dr. Channing) who appears to think and speak like a great statesman, and who, were his Countrymen counselled by him, would, at once, put an end to all speech and all thought on the subject of disunion. The South asks and enjoys no other advantage from the Union, and is ready to give for it a cordial return of the same great blessing; and besides, without further consideration, to make all sacrifices, beneficial to the other states, short of the surrender of its independent institutions and its vital Interests—any thing short of dishonor and degradation. In foreign wars it is scarceiy possible the Southern States can be involved *but by the Union*—as to the insulting pretence sometimes put forth that we want the aid of our sister States to sustain a peculiar part of our *Southern polity*, let the History of the Revolution give an ample refutation of the affrontive suggestion; and if there shall still any sceptics remain, let them look at the census and discover a free, high spirited white population, as brave and as athletic as any the Union can exhibit, mixed up with the subjects of that policy, which, were the latter doubled in numbers, would be sufficiently numerous to put them down, before our self-constituted allies in this peril (which is the creature of their own imaginations) could get intelligence of our danger, were it to arise—It is enough to say, that we fear neither foreign nor servile foes; and that the Union is only valuable to us (and as such we consider it above all price, short of the above named sacrifices) as the best if not the only certain mean of preserving the peace of our geographical fraternity—On the side of our associates they have the full enjoyment of this inestimable advantage (not less to them than to us) and they have besides, not a few, but a vast number of great positive advantages which they exclusively enjoy. Let *them* calculate, then, the value of the Union and be instructed by the fable of the bird that laid golden eggs. Unless, then, some special visitation of Providence shall becloud the clear intellect of our principal adversaries in the present struggle, they will not force us out of the Union, and no other cause can sever us from it.

I am ashamed of the length of this communication: but I was obliged to be silent, to be misunderstood, or to trespass in this manner on your patience.

I am, Gentlemen, very truly and respectfully your most ob't serv't.

LANGDON CHEVES.

To Messrs. John Taylor, Wade Hampton, Jr., John G. Brown, Pierce M. Butler, and Wm. Harper.

CHANCELLOR HARPER'S SPEECH.

It has generally been thought, and fitly, that it is inconsistent with the decorum which ought to belong to the character of a Judge, to be active in party politics. But I cannot regard the subjects now before us as matters of party politics. The interests of the whole state to which my services are due, and still greater interests, are involved. A Judge has the feelings and interests of a man and a citizen. It is not within the range of probability that I shall ever be called to act or decide officially on any of the topics which are now canvassed, and I cannot think it indecorous that I should endeavor to explain and enforce opinions, which I had formed and avowed long before I was invested with my present character. I am the more encouraged to do so, as I am fully persuaded, that most of the differences of opinion which exist among the citizens of this state, (I mean those whose opinions we should respect or value) have arisen, as most human differences do arise, from mutual misconception. I believe that the objects of all are the same, and that when the opinions of those with whom I agree are fully understood, the whole State will be found cordially and harmoniously co-operating in the pursuit of those objects.

The topics before us are the evil and the remedy—what the remedy shall be,

and how and when it shall be applied. On the subject of the oppression which the south suffers from the legislation of the general Government, I shall say but little. This is a subject on which we are all agreed, even those who exclaim most strongly against the dangerous measures we contemplate to rid ourselves of this oppression, and the details which would be necessary to a thorough investigation of it are hardly suited to a popular assembly. I shall only beg leave to present a few general and as it seems to me plain and obvious views. Even the author of a pamphlet which has been lately written and which is circulated for the ostensible purpose of allaying the excitement which exists in the State and pursuading us that the evils we suffer are not so great but that we ought to submit to them, and which therefore naturally extenuates, as much as fairness will allow, the burdens under which we labour, supposes that South Carolina pays half a million annually for the purpose of protecting manufactures alone. He supposes however that the people of the manufacturing states are equally burdened in proportion to their consumption of imported and protected articles; choosing to leave out of view, that whatever their burdens may be, by their own acknowledgement in adhering to the system and demanding its extention, those states are more than indemnified for them, and therefore that in effect the South alone is burdened. The author says further "that the prospective injury from restrictions on our foreign commerce threatens the most pernicious inequality, and if carried out to the point of prohibition, will probably be attended with the depopulation and abandonment of the whole lower region of the Southern States." He adds "we should consider it a less evil to have this system, with all its *attendant losses and prospective risques* to a *separation of the States*." We are happy to believe that the losses and risques can be prevented without the danger of this separation.

I am among those who believe that the losses and dangers imposed and threatened by the American System, instead of being exaggerated have not been fully estimated. I agree with those who estimate at the highest our present pecuniary burdens; I believe that the South has been cheated out of the bounties of nature, richer than ever were bestowed on any section of the earth, by the policy or the selfish instincts of man; I believe that the continuance of the system tends not doubtfully, to the total destruction of our commerce, to the subversion of our domestic institutions, and in the words of the author I have quoted, to "the depopulation and abandonment of the whole lower region of the Southern States."

But it is not of these matters that it was my hint to speak. I propose to go more fully into the question of the remedy. More than seven years have elapsed since our remonstrances and clamours have been heard against this system. How have we been answered? By neglect and contempt, and the imposition of fresh burdens. We are told that this is not the time to act: new hopes are opened to us—the tariff is to be broken down in detail, and the President has imposed his veto on certain acts of internal improvement. Fellow citizens, if we can be content to follow such *ignes fatui* they will lead us on forever. The modifications which have been made in the tariff have only made it more satisfactory to the manufacturing States. The President avows himself in principle against us, and will only impose on the majority the necessity of looking out for more plausible objects of expenditure. Two years ago we were told to wait for the election of a President and a new Congress; now we are told to wait for the payment of the national debt. Such encouraging appearances will not be wanting for twenty years to come, if we are willing to be soothed by them. We may choose here to hope against hope, but what voice has come out of the manufacturing majority to encourage our hope? What member of Congress has intimated that his opinion may be changed? What newspaper, north of the Potomac, has told of change of public sentiment, or spoken of an abandonment of the policy as a thing within the remotest range of probable events? The manufacturers tell us they have nailed their colours to the mast. Have not the majority against us gradually strengthened since the policy was adopted? and are not new interests daily enlisted against us? We are told we shall gain Kentucky. I believe it. for Kentucky is identified with us in interests and feelings,

and must be with us sooner or later. But what signifies the gaining of an outpost, when the main phalanx is deepening and strengthening against us. The States north of the Potomac, and those north-west of the Ohio, which must be identified with them, constitute a sufficient majority to perpetuate the system. These are daily becoming more unanimous. Even if the people of those States were not benefitted by the American System, as I believe they are, to an immense extent, they would not permit the interests of a large class of their fellow-citizens to be utterly prostrated and destroyed. What do their representatives tell us of the desolation that would overspread them if the system should be abandoned? It is no exaggerated picture. If the unnecessary expenditures of the government and the bounties on manufacture, amounting to millions, were withdrawn, the suffering would be as severe as can be conceived in a country where there is not a want of the physical necessaries of life. Will men voluntarily reduce themselves to such a situation? No! The majority will give up their policy when they *must*, and not before.

I should perhaps be more disposed to delay and wait upon events, if I thought as many seem to do, that disunion and civil war were likely to be the consequences of any course of action that is likely to be pursued—nay, if I did not believe, as I most fully do, that there is more danger in the delay than in the strongest measures that will probably be adopted. I speak as a lover of peace and of the Union; and I know that I speak the sentiments of those who concur with me as to the course to be pursued. Are these professions sincere? Are we false friends to the Union? Have we covert designs which we dare not avow? Are the distinguished men who are foremost in exciting us to action, whose honours are connected with the general government, or who have refused its honours, implicated in such designs? These are questions which they perhaps ought not to answer for themselves; but I would recommend to you, to watch closely those who offer you their counsels in the present distracted state of affairs; detect their motives of interest or ambition if they are actuated by such; understand thoroughly and weigh deliberately the measures they recommend to you—and then follow firmly the course of honor and of liberty, and of safety and of union.

The measure at present under consideration is, the calling of a Convention of the people of this State. There are advantages in this measure, whatever course such a body may pursue. A wider selection of the talent, information and experience of the State may be made than for the legislative body. It will satisfy the scruples of those who believe that only legislative powers relative to the internal concerns of the State have been committed by the Constitution to the Legislature; that to determine any thing which respects our relations with the General Government, does not come within this class of powers, though clearly appertaining to the sovereign authority of the State, which will be represented in Convention. It does not follow, that the Convention will act promptly—it can hardly be supposed that it will act rashly. It will not, in all probability, meet until the adjournment of the ensuing session of Congress. If the hopes which are held out to us shall appear to have brightened, it may have power to adjourn to a more distant day. In the mean time, it may communicate with the General Government, or with our sister States of the South, and certainly will not take any decisive step till it shall become inevitable.

Those who oppose a convention, do so because it will be nugatory unless it shall result in a *nullification*, (as it is called,) and this they think equivalent to a secession from the Union, and fear civil war and anarchy will follow. I will not affect to disguise my own opinion, though abler men may differ from me, that if all other efforts fail, the sovereign power of the state ought to interfere for the purpose of arresting the operation of the unconstitutional laws of which we complain; thus compelling the general government to abandon its oppressive policy, or to apply to a convention of the states for the purpose of obtaining, by a vote of three fourths, an express grant of the power which it claims. I believe this course to be necessary; I believe it to be constitutional, and that the State may adopt it without relinquishing her character as a member of the Union; I believe it to be safe and peaceful.

It has been often remarked that the simplest truths are the last to be acknowledged. It is difficult to illustrate them. Men cannot believe that there is no more in it than this! And such I conceive to be the proposition that the sovereign power of the state has the right, consistently with the constitution, to arrest the operation, within its own limits, of a law which it shall judge to be unconstitutional until the disputed power shall be expressly granted by a vote of three fourths of the states or of a convention. No proposition would seem to be more simple and obvious than that of Mr. Madison, that where no resort can be had to a superior tribunal, the parties to a compact must decide, each for itself, in the last resort, whether the compact has been pursued or violated. Nothing would seem more obvious than that the constitution of the United States is a compact between sovereign states, each with the rest; and nothing would seem more obvious to a plain understanding than that the constitution has provided no tribunal, superior to the parties themselves to decide on its interpretation; except that three fourths of the States or of a convention, may make or declare what they will to be part of the constitution. It has been the course of our counsel however that constitutional rights have been the sport of sophist, and word mongers. Verbal deduction, or distinction or coincidences have taken the place of substance and reality. Such I conceive to be those who contend for the constitutionality of the tariff law because it is, in term, a law laying duties and imposts, and such those appear to me to be who deny that the constitution of the United States is a compact between sovereign states, because the general government for certain specified purposes may exercise the powers of a consolidated government and because the words "we the people" occur in the preamble to the constitution. Is it intended to be denied, that, previously to the formation of the constitution, the several states were sovereign and independent? that the people of each state as a distinct body politic adopted the constitution, and were free to adopt or reject it? that they remain sovereign states for all purposes for which they have not delegated their powers to the general government? that if by any circumstances the general government should be dissolved, as it might be, they would remain sovereign states, and might declare war, make peace, or do any other act appertaining to sovereignty? These things may have been denied; but I shall not think it necessary to contend with those who deny them.

I suppose it will be conceded to me, that the power in question—that of interpreting the Constitution, deciding on the constitutionality of laws, and determining the boundaries of power between the General and State Governments, must reside some where. It must either belong to the whole General Government, each department deciding for itself within its own province, or in some particular department of the Government, or it must remain with the States to decide for themselves, whether their just powers have been invaded by a law of the General Government. I suppose it must be conceded to, that if this power belongs to the General Government, or any department of it, it either must be granted by some express provision of the Constitution, or it must be implied, as being necessary and proper to carry the express powers into effect. If implied, it must be either from some particular part of the Constitution, or from the whole structure and character of the Constitution, or result from the nature of Government in general.

A grant of the power in question has been claimed for the judicial department under that clause of the Constitution of the United States, which declare that the Constitution and *the laws made in pursuance of it*, shall be the supreme law of the land; and that which provides, that the judicial power shall extend to *all cases in law or equity*, arising under the Constitution and Laws of the United States. To these clauses, Mr. Webster refers the grant of the power; and the distinguished jurist of Louisiana. Mr. Livingston, agrees with him, that the power in question belongs to the Supreme Court, in cases which the forms of the Constitution will allow to be brought within its jurisdiction, but in other cases he thinks there is no arbiter; or in other words, that the Legislative department is the Judge in the last resort of the extent of its own powers, subject only to public opinion, and to the national right of resistance in case of an abuse of power.

It is plain enough, that if the General Government may make laws and appoint tribunals to administer them, those tribunals must necessarily, as the Constitution is the Supreme Law, in deciding its *cases of law and equity*, have the power, *incidentally*, of determining whether the laws are conformable to the Constitution. But it would hardly occur to any one, whose habits did not lead him to refine on words, that this has any relation to the question we are considering, or this incidental power makes those tribunals the supreme arbiters of the relations between the Federal and State Governments. I believe, if those clauses, which are relied on as the express grant of the power, were struck out of the Constitution, the Supreme Court would possess exactly the same authority that it has now. The adopting of the Constitution, which gives the General Government the exclusive power of making laws on particular subjects, does seem directly and necessarily to imply, that those laws, when made in pursuance of the power, shall be supreme. At all events, the clause declaring that the Constitution and the laws made in pursuance of it, shall be the supreme law, would, of itself, conclude nothing. The question would still recur—who shall judge whether the laws are made in pursuance of it. I am sure the Supreme Court would possess exactly the same authority that it has, if the other clause, giving it jurisdiction, were struck out. If the Government may make laws, and establish Courts, it is a matter of the strictest and most necessary inference that the Courts may determine cases arising under the laws, and within the territory over which the laws operate. The clause was necessary for the purpose of giving jurisdiction, in cases where it would not have been possessed, of course—as between citizens of different States, &c.; but was utterly superfluous, for the purpose of giving jurisdiction in cases arising within the territory, and under the laws and Constitution of the United States.

If, according to the idea of Mr. Livingston, and in his words*, a clause had been inserted in the Constitution, reserving the power which we claim to the States, would it have occurred to any one that there was any incompatibility between that reservation and the exercise of the powers granted by the clauses in question? Might they not have had full operation and effect? and shall it be said that records are a grant of power, when they may have their full effect, notwithstanding the express reservation of the power claimed to have been granted? Would it have ousted the Supreme Court of any jurisdiction? Might it not still have gone on to decide all the specified "cases in Law and Equity," and to declare the law applicable to them? The only consequence would have been, that in cases arising within a particular State, which had arrested the operation of a law, they would have been under the necessity of following the interpretation of the Constitution, given by the competent authority. Most of the States have adopted the Common Law, and some of the Statutes of England. In all, they have been in some degree differently interpreted, and yet, in cases arising under the laws of a State, the Courts of the United States hold themselves bound to follow the interpretation of the State authorities. Of the confusion, mischiefs, and embarrassment, which would have resulted from this state of things, I shall have occasion to speak again. The truth is, as observed by Mr. Jefferson, that the Constitution no more commits the interpretation of the Constitution to the Judiciary, than to any other department of the Government. Each is bound by the Constitution, and each, in the exercise of its powers, must determine for itself, incidentally, what the Constitution is. Indeed the *Constitution* no more commits the interpretation of itself to the Supreme Court than to the Courts of the States. The words are, "the Judicial power shall *extend* to all cases in law and equity, arising under this constitution, the laws of the United States &c." and does not the jurisdiction of the State Courts extend to cases arising under the Constitution and laws of the United States? Are these less bound by the laws

* "Whenever in the opinion of one state, a law passed by the Congress, shall be deemed unconstitutional and dangerous, such state may prevent its execution, and the President and the Courts shall forbear to enforce the same; but Congress shall in that case, if they persevere in thinking the law expedient, submit the question as an amendment to Conventions of the States in the manner prescribed by the Constitution."

and Constitution? Is it less their duty or less within their province to decide on them and determine what laws are in pursuance of the Constitution? It is true that this authority has been peculiarly arrogated to the Supreme Court—not by warrant of any thing to be found in the Constitution itself, but by means of that *law* which declares that there shall be an appeal from the courts of the last resort of the several states, to the Supreme Court. Unquestionably there is no express or direct power to this effect in the Constitution. I shall again enquire how far it is implied or necessary to carry into effect the granted powers.

I am almost ashamed to have said so much on the subject of this grant of power to the Judicary in a public assembly of South Carolina, where we are in the habit of canvassing these topics, and where even those who differ from us in our views of the Constitution hasten to disclaim having the absurdity imputed to them of supposing that any such power has been granted to the Judiciary. Yet these are the arguments of leaders!—of those who speak the voice of States and parties! I verily believe that these views prevail over more than half the United States. Legislatures have announced them; and by this sort of logic you are to be reasoned into acquiescence, that you have a government without limitation of powers.

But let us leave this war of words, and consider the more imposing views of those who think that the power in question belongs to the whole General Government, each department deciding for itself within its own province, and who do not claim this by virtue of any specific grant, but as the necessary result of the whole structure of our particular Government, and of Government in general. Such are plainly the views—though not fully expressed—of a distinguished citizen, whose written sentiments will be communicated to you; who, while he is with the foremost in his sense of the injuries which the South sustains, and in his promptness to take decisive measures for their redress, yet differs from us as to the course of action we recommend; and to whose sound, clear and comprehensive mind, and honest and patriotic heart, I could almost concede any thing but my own clear conviction of truth and right.

To this effect are their arguments: The power of deciding for itself on the constitutionality of its own acts, is necessary to the existence of Government. Government would be impracticable if its operations were liable to be suspended at the will of a small portion of its citizens; who might often exercise their power capriciously, and would, in effect, under colour of arresting an unconstitutional law, have a *veto* on every act of the Government. That this is the common understanding of mankind: every civilized nation in the world has some Constitution, and in none of them, unless in a few where specific checks are provided, is the Constitution guarded by any thing else than the intelligence and spirit of the people; the force of public opinion, and actual resistance, if that opinion shall be disregarded. This is the legitimate tribunal in the last resort, before which the acts of Government must be tried. It would be as absurd to say that every citizen of a State, being a party to the constitutional compact, might decide for himself in the last resort, on the constitutionality of laws, and his right to do so might be vindicated by the same sort of reasoning. The Constitution gives to the General Government the power of making laws, and of carrying them into execution; and makes no provision for their being arrested by the State. Can it be thought, if it had been intended to reserve such a power to the States, that nothing would have been said concerning it in the Constitution? and does any one in good faith believe that such were the intentions of the framers of the Constitution? Such a construction would render the Constitution a mere treaty. If the power in the States were recognized, it would, in fact, be Disunion—the confederated Government could not answer the purposes for which it was instituted,—It would reduce us to the distracted and miserable condition of the old confederacy.—Or if not at once to Disunion, would inevitably lead to Disunion, by the difficulties and animosities it would engender. It would render the Union a "rope of sand;" "the Constitution would be only heads of contention to a disputacious people." Do I state these views fully and fairly? I hope so. If I knew any force of argument, or illustration to add to their strength, I would willingly employ it. I would make the structure as strong as possible, for I know that five direct blows can hammer it to atoms.

Many persons are startled when it is proposed to them that a single State, a small portion of the people and territory of the Union, has power to arrest the operations of the Government of the whole confederacy. They regard it as something unprecedented in Governments, and, as I before remarked, as absurd as the notion that any individual member of a consolidated Government should arrogate to himself the right to judge in the last resort, whether he was bound by the laws of his Government. The surprise is perhaps natural; but such persons do not call to mind that our Federative Government is itself an anomaly, and unprecedented among the Governments which have existed. For certain specific purposes it has been invested with the character of a consolidated Government; it may, by means of its tribunals, operate directly on the persons, property and rights of individuals; for all other purposes it was intended by the Constitution to remain federative. Our notions are generally drawn from the examples of consolidated Governments, which are those which have commonly existed in the world. Confederations have been rare, and with many of their Constitutions, we are very imperfectly acquainted. In a purely federative Government, there could be no question at all about the principle for which we contend—that each of the parties would have the right, as expressed by Mr. Madison, of judging for itself in the last resort, whether the federative compact had been pursued or violated. When laws were passed or requisitions made by the common Government, and the members of the Confederacy were called upon to carry them into effect, the first question presented to them would of course be, whether the laws or requisitions were in pursuance of the Compact. If they were judged not to be so made, by any member, it would be of course, that it should refuse to carry them into effect. It would have the *Constitutional power and right* so to judge and decide, whether any thing were said about it in the compact of Confederation or not; and though, if the other members should think the power wrongly and injuriously exercised; this might be cause of excitement on their parts, and perhaps justify them in receding from the Compact, they would neither have Constitutional right nor means of carrying the proposed measure into effect, within the territory of the dissenting member.

The case stands very differently in a purely consolidated Government. There it is of the strictest and most absolute necessity, and is a part of the Constitutional Compact, that the judgments of its tribunals should be final and conclusive between the Government and its citizens. The action of such a Government, so far as its subjects or citizens are concerned, is only felt by its operation on the rights and interests of individuals. The object of practical tribunals is, to determine on the right of individuals, and when the Constitution has provided a tribunal in the last resort, it is of course part of the Compact that its judgment shall be conclusive. There is nothing beyond this, but public opinion and the right of resistance to oppression.

We do not deny that the judgments of Supreme Court is final and conclusive on the matters committed to its jurisdiction, and bind the individuals whose rights are affected by them. We give this effect even to the judgments of the tribunals of foreign countries. To determine the rights and duties of parties before them is the function of Courts, and their whole function. But besides affecting the rights of individuals, the laws of the United States have another operation, over which judicial tribunals have no power of arbitrament—affecting the sovereignty of the States, and checking and restricting the operation of their laws. The laws of our State provide that a citizen shall not be restrained of his personal liberty. The law of the United States, authorizing the enlistment of soldiers, restricts the effect of that law, and furnishes a warrant of his detainment. It is a violation of the laws of the State that you should seize and detain the property of a citizen till money or a bond be extorted from him. The laws of the Federal Government authorize this for the purpose of enforcing payment. The Government, by virtue of the Federal Compact, has power thus to trench

on the sovereign authority of the States and restrict its laws, by its own laws *made in pursuance of the Constitution*, and by none other. The sovereign States have authority to go on to execute their laws, made for the protection of their citizens, restrained by the federal laws, made in pursuance of the Constitution, and by none other. Which shall judge? This is the very pivot on which the controversy turns. That to which power was delegated and which is restrained from using any power not granted expressly or by implication? or that in which it is original and inherent, and has reserved to itself all power which it has not granted away? Show me the grant or make out the implication! When you tell me that while the Constitution has given Congress the power to make laws and carry them into execution—judging, of course, in the first instance, of their constitutionality—it has made no provision for arresting their operation, I reply, that anterior to and independent of the Constitution, the States had full power to execute all their laws; by becoming parties to the Constitutional Compact, they consented to be limited in the exercise of this power by laws made in pursuance of the Compact and none other, and they have never surrendered the right to judge which were so made, and all rights are reserved to them which were not surrendered. This is the answer, too, to those who enquire whether we suppose, in good faith, that the framers of the Constitution intended this power to be reserved to the States? It may be that they thought and intended nothing about it; but it is the direct and necessary result of our institutions, as they existed previously to the Constitution and are modified by it. If a power is claimed to be exercised on the part of the General Government, it is incumbent on those who contend for the power to make out the grant of it, and they commit violence or fraud on the Compact, when they assume any power which they are not satisfied was in good faith intended to be granted. But it is for the States, to whom every thing is reserved that was not given away, to decide from the expressed provisions of the Constitution, a power which they claim to exercise; of a power too, which I shall shew hereafter, is absolutely essential to their existence as separate and sovereign States, and involved in the very nature of our confederated system. The truth is, however, that a difficulty was in some degree foreseen—indistinctly apprehended, it may be. No one can read the Federalist, or the debates of the Conventions which adopted the Constitution, without perceiving that some controul of the States was expected over the acts of the General Government. How that controul was to be exercised, is not explained. It may be that the great Statesmen, who were in favor of the power of the General Government were unwilling to explain. It was anticipated that the collision of the laws of the General and State Governments will create embarrassments. But the difficulty is not obviated by the provisions of the Constitution. The power is not granted; no common tribunal is appointed, and it must be held amongst the reserved rights of the States.

If the Act of 1789, authorizing an appeal from the State Court, in cases involving any question of the Constitution or laws of the United States, where the decision shall be *against* the authority of the General Government, were not in existence, it is plain that the decisions of the State tribunals would have been final. The State, by means of its tribunals, would thus have had the power to a certain extent, of arresting the operation of a law which those tribunals should judge to be unconstitutional. But this would not of course have excluded the interference of the sovereign authority of the State, if we have taken a correct view of the Constitution. The Judiciary, like the other departments of Government, in the exercise of its functions, must incidentally and in the first instance interpret the Constitution. If to the sovereign authority of the State belongs, under the Constitution, the right to determine for itself in the last resort, the Judiciary would be bound to follow and abide by that determination. The intervention of the law of 1789 can make no difference, even supposing it to be Constitutional. The Federal, like the State Judiciary, having only the incidental right to give construction to the Constitution in discharging its function of administering justice to individuals, is no less bound than the State tribunals to follow the interpretation of the competent authority. If the appeal were allowed,

it would be so bound; but the truth is, that in the cases supposed, the Constitutional question involved being already decided by the competent authority, the right of appeal would be superseded.

Those who say that the power in the States which we contend for would render the Constitution a mere treaty, have perhaps never considered exactly what is the characteristic distinction between our Constitutional Compact and a treaty. Treaties, to be sure, have not often provided that jurisdiction should be exercised, for certain purposes, over the citizens of one of the contracting parties, and within its territory by the others. But this might be done, by that which was in terms a treaty. The essential distinction is, that each of the contracting parties has committed to three-fourths of the rest, the power of binding it by any new articles of compact, without its own assent. This is the great distinction between our Constitution and other compacts between sovereign States. This it is, which is to restrain the States from casting off the obligation of its compact like an ordinary treaty, and it is to this you must appeal, if you seek a power superior to the sovereign authority of the States.

I proceed further, to shew that it is absolutely incompatible with the nature and existence of our government, as a confederacy, that the power in question should be taken from the States, and attributed to the general government, and that if such were our Constitution, it must inevitably end either in an absolute, consolidated government, without any limitation of powers, or in disunion.—What do we mean, when we speak of the general government, or of the power or oppression of the general government. Do we speak of an imaginary being—an abstraction? No! we mean a majority of the States, including a majority of the people; for it is to these, as represented in the two houses of the Federal Legislature, that the Constitution has committed the power of government; and I should wish this to be kept in mind, when I speak of the Federal government. If Congress were the sole judge of its own constitutional powers, with no check upon its acts, but all must have effect, it would be palpable enough that the government was absolute and unlimited. It is too familiar to be argued, that the unchecked, unrestricted power of construing an instrument, is the power of making it what you please. And what is the check? Do you tell me of the Veto of the President, who is created by the very same majority, which of course, when great interests are depending, will select one whose views coincide with their own; or of the judiciary, which is created by, and dependent on that Legislature. Without attributing any corrupt subserviency to those tribunals, which I believe have been as honest and patriotic as any other, it has never been, perhaps, sufficiently estimated, how much any bias of interest, or feeling, has upon the judgment and belief of men. A friend once asked me, whether it was more distrust of their integrity, or their judgment, that the law forbids interested from a persons to give testimony; and we concurred, that the defect of judgment, rather than of morality, was guarded against. But if this be true of those who are to relate facts, how much more of those who are to form opinions. Such bias colours every perception, and finally moulds the whole mind. Even the honorable feeling which might induce the Judge of a State, to stand up against power, in defence of the rights of an individual, in a great degree loses its influence here. Here is power against power—the power of the States, which they are naturally led to regard as the more dangerous. But independently of this bias, it is idle to say, that the judiciary is independent of the Legislature. Congress, by modeling the judiciary system, may have a Court of what political opinions it pleases, in a week; and can any one doubt, that when great interests were at state, it would, if found necessary, resort to such means. Plausible pretexts could always be found; and, independently of this, if the majority is a permanent one, formed on fixed principles, as the present majority in the government is, the Court must gradually, but infallibly, be moulded into accordance with the predominating opinions. As vacancies occur, they will, of course, be filled by those whose opinions conform to those of the government—the majority.

There remains no other check, but the force of public opinion, and secession from the Union, or forcible resistance. Public opinion!—Do we speak of the public opinion of a minority, as likely to influence a majority? Unfortunately, here again it happens, that of all systems of government in the world, ours is that where such public opinion is likely to have the least weight. In the other consolidated governments of the world, the voice of public opinion is irresistible. A Mahmoud or a Nicholas, dare not close their ears to that mandate. And why so? Because if it be disregarded, it will lead to the employment of public force, and not only the oppression will be resisted, but the tyrants punnished. The government of France was deaf to that voice, and the King expiated his fault on the scaffold, as did some of her proud aristocracy—while the rest, deprived of wealth and honors, were driven beggars and fugitives over the face of the earth. Other tyrants have in like manner atoned for their offences against their people, and all are kept in check by the fear of it. But what shall be done to that despot *majority*, which, apart and unassailable, disposes of all the rights and interests of the South. What do the people of the great States of Pennsylvania, New-York and Massachusetts, hear or feel of the opinions or the oppressions of the South—of States which have always been regarded as provinces. An extract from a newspaper, now and then, informs them that there are discontents on the subject of the Tariff, and that there are some ridiculous and extravagant mal-contents, called nullifiers. Separated as they are, and fortified in their own strength and unanimity, any voice of the South passes by them as the faintest summer gale. It might be hoped that their representatives, placed on a post of eminence, to look over the whole country, would be accessible to the opinions of the South. But this hope is equally vain. They go to the public counsels *instructed* by those who elect them, or at all events, answerable to them for the votes they are to give; and their responsibility to their consciences and posterity, (such is the nature of man,) is as thistledown in the balance, weighed against that responsibility. Has not the voice of the South been uttered? Has not every State from Virginia to Mississippi, clamoured against the injustice and unconstitutionality of the Tariff? And what has been the answer? The Tariff of 1824, was passed by a majority of three votes, and that of 1828, by a majority of sixteen. The strongest despot, or despotism, that ever heretofore existed, would not have ventured on a measure, which so large a portion of its subjects believed to be ruinous to their interests and subversive of their rights. The government of England, which, next to our own, I believe to be the strongest, could not stand a day against the consequences of such a measure. A despotic majority is the only despot exempted from all responsibility.

We are told however that although the Southern States have been unanimous in their remonstrances against the Tariff, yet they have not unanimously determined to resist it. Wait till that unanimity shall have been brought about, and then you will remonstrate with effect—then the majority will be found to yield. And is this all that the lovers of union and advocates of peaceful counsels have to tell us? Determine on force—determine on war, and the result may perhaps be peace! But how, if they should not yield? They have every inducement to hold out to the last. On the one side are all the advantages resulting from the American System—wealth—prosperity—the building up of their institutions and public works—political preponderance—pride: on the other humiliation—ruin to thousands—general distress and poverty, and the loss of political importance. When so much is at stake, will they not be tempted to stand the hazard of the die. What then, must the South submit? Is this our constitution? Is our government indeed without any limitation of power whatever, and we as absolute slaves as men can be to government? Or must the blow be struck? Then where are the hopes of the lovers of the Union? It is in vain, and every one feels it to be vain, to hope that the Union can ever continue after force shall once have been resorted to. Cut that cord with the sword and there exists no power in nature to unite it again: or suppose the

majority to yield—with what feelings will both parties retire from the contest? On one side baffled hatred—hourly smarting under the privations that have been inflicted—daily tempted to new encroachments: on the other, jealous hostility—watchful and prompt to resist. With such mutual dispositions, our harmonious union is to go on. It cannot be that new causes of collision will not soon arise—the mutual feelings of animosity will be more and more embittered until the blow must indeed be struck. If the Constitution be such as our antagonists represent, it needs no hand-writing on the wall to tell us that its days are numbered. The sun of another jubilee will never shine upon it. And along with it will go all the hopes which have been held out to the lovers of mankind, from the example of our freedom, union, prosperity, and greatness.

It has been thought, and apparently with justice, that even in a single, consolidated community, the government of an absolute and unlimited majority would be the most intolerable of despotisms. It is the government of a despot, with a spy and a police officer in every house. Yet even in an arbitrary government of this sort, there is some mitigation; those who are in a minority to-day, may hope that they will be in a majority to-morrow, and though the government be arbitrary, they may taste of the sweets of power in their turn. Or if there be a fixed and permanent majority, of different feelings and interests from the rest of the community, yet there is some human sympathy for men whose faces they know and whose distresses they witness. But it is useless and impracticable to disguise the fact, that the South is in a permanent minority, and that there is a *sectional* majority against it—a majority of different views and interests and little common sympathy. This is the origin of evil and the great fountain of the waters of bitterness. We are divided into slave-holding and non slave-holding States; and this difference creates the necessity for a different mode of labour, different interests and different feelings; and however particular States or sections, on either side may have started from their proper spheres, this is the broad and marked distinction that must separate us at last. Would to God it were not so! But shall we be reproached that we cannot fail to note that which is daily forced on our attention. Ever since the fatal *Missouri question*, which, "like a fire-bell in the night" startled the last days of Jefferson, and sent him to the grave, "in the belief that the sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons," no one can be so dull as not to have observed that every question of leading importance in our federal councils has been connected, more or less, with this great distinction. And let us appeal to the world and posterity whether the South has been the author of this. But the sacrifice will not have been in vain; there is yet "a redeeming spirit in the Constitution," which will be evked and will preserve it, in spite of its enemies, and in spite of its misjudging friends; whose erring zeal is eagerly attempting to shackle the arms that are combatting to save it. But propose to the people of the South, and prove to them, that this is their Constitution—that the States and people North of the Potomac and North-West of the Ohio, have right and power to make laws to bind them in all cases whatsoever—and then foretell us the duration of the Constitution and the Union. To those who propose to submit to this state of things—who have made up their minds patiently to endure the injuries we now suffer, and all that shall be offered to us, there is nothing to be said. They might, if others were of their mind, have Union—such as it is, and peace—such as it is. But I know that the people of the South are not of their mind. If oppression be continued, they will resist it—all concur, that at some day, the cup will be full and overflow—and I ask if those be truly considered the advocates of peaceful counsels who tell us there is no redress but in violence and disunion.

I trust it is sufficiently proved, that under our Confederated Government, the power in question is Constitutionally reserved to the States, and that such a principle is absolutely essential to the very nature and existance of the system.

But authority with most men weighs more than argument, and our authorities are of the highest. There could not, perhaps, be a better illustration of the fact, that there is nothing so plain that it will not afford matter of cavil to a skillful dialectician, than that it should be contended that Mr. Madison's Report of 1798 does not contain the doctrine we now maintain. But how did others understand him at the time? How did the Legislatures of Connecticut, Massachusetts, and others which made counter resolutions, understand him? Was it then thought there was any thing ambiguous in his words? or was the interpretation then put upon them ever disavowed? And what doctrines are those which have ever since been known as the doctrines of Virginia? I appeal to Mr. Jefferson as a still higher authority—the author of that word which is thought so new and barbarous; the unconth sound of which, I really believe, is with many, one of the strongest arguments against our Constitutional doctrine—Nullification. I have read his works, lately published, and I profess—whatever may be objected to him on other scores—that for a true and thorough comprehension of the genius and working of our confederate system, he alone appears the master. I refer not to any insulated passage, which might be the subject of cavil, but to the whole context of his opinions. But when he says, that if doubts arise between the States and the General Government as to the true meaning of the Constitution, the appeal is to neither, but to their masters assembled in Convention, can we suppose him to mean that the minority, which complains of the violation, shall call the Convention and propose the amendment? No, his words are unmeaning, unless we suppose some method of compelling the majority to assemble the Convention and offer the proposition, which is to remove the doubt.

I go on further to show that the proposed remedy is a peaceful, safe, and efficacious one, and less liable to abuse than any check that ever was devised in Government. We propose, in effect, that one fourth of the States have the right of annulling any act of the General Government, on the ground of its unconstitutionality; and that for the purpose of compelling the majority to appeal to the three-fourths, for a grant of the power which is denied, any State may suspend the operation of the Act within its own jurisdiction. And is this an alarming or unreasonable claim? Would any wise—would any sane Government, desire to exercise a power which one-fourth of its citizens believed to be a violation of their Constitutional rights, and destructive of their interests? Most surely, unless it be our own, there is no Government on earth that would or could enforce its measures under such circumstances. Already the Judiciary alone may annul any act of the Government. The President, if supported by one third of either House of the Legislature, may do so. And it is feared to commit the same power to one-fourth the sovereign States of the Union. The experience of the world has proved that checks on power are the most harmless things imaginable; and the complaint has commonly been, that they were inefficacious, rather than too great a clog, on the operations of Government.

When a government is once organized, it can rarely do much harm to say, that things shall remain as they are. It is new policy that is dangerous. In Rome, the most efficient and successful government that ever existed, there were, I believe, ten tribunes, either of whom had an absolute veto on every act of the government. In Holland, the *previous* assent of every State, and of the principal towns, was required to all the important acts of government; and this was a State prosperous beyond example. In Poland, every member of a numerous diet had an absolute veto, and this was not found entirely an impracticable government. I verily believe, that if every State in the Union had power to appoint a tribune, having an absolute veto on the acts of the general government, no great harm would be done, or inconvenience suffered from it. If it were required that every act of Congress should be passed by a majority of three-fourths, I am by no means sure that it would not be a most beneficial provision; and certain I am, that this would be a much better Constitution, than such an one as our opponents represent ours to be.

Those who tell us that, with the power we claim to the States, the Union would be a rope of sand, and would not answer the purposes for which it was instituted, have not, perhaps, reflected maturely, what the true and legitimate purposes of the Union are. The first and great purpose, is to maintain peaceful relations among ourselves, to save the necessity of war and arbitrary government. The second, but far subordinate, is the strength to be derived from the Union, for defence against foreign nations, and regulating our intercourse with them.—These legitimate purposes of the Union, we believe, we believe the Union would answer fully, notwithstanding the check we proposed. But there are some illegitimate purposes, such as that of benefiting one section of the country, at the expense of the rest, which it would not answer. It can hardly be feared, that the States will arrest the operation of laws which are beneficial to them. The only cases in which the interposition of the check can be seriously feared, are those of war and taxation. In case of war, apart from the feeling that makes it disgraceful to abandon our friends in the hour of danger, though we have cause to complain of them, and which will always have its effect, to annul a war would be an absurdity. The Constitution expressly forbids the making a treaty with the enemy, and the only effect would be to leave the States exposed to the common enemy, undefended by the common arms. If men are disposed to be traitors, they want no nullifying power to colour their proceedings. The truth is, that there is no reason to apprehend that the check will be interposed, except on laws of taxation, where it is most necessary. Let it be borne in mind, that power should always be lodged where there is the least temptation to abuse it. Has not the majority in Congress the greatest possible temptation to abuse the power of taxing? Let the present situation of things answer. When a section of the country which is by nature the poorest in the world—which has no products but those which are also produced in every other soil and climate, and which can find no market but their own and ours, is rich, prosperous and flourishing—while another, by nature the richest, whose products are eagerly sought in every market of the world, is poor and embarrassed. Tell us not of the difference of industry and habits. The difference does not exist; certainly, in no degree adequate to producing such effects. But what temptation will the States have to abuse the power of checking. Will you assume, that one-fourth of the States may be desirous of destroying the government, and seek to effect their purpose, by withholding the revenue necessary to its support. Those who urge the objection know its fallacy. They know, that if one fourth of the States are disposed to abandon the Union, it is not the want of a nullifying power that will prevent them. They know, too, that all the States have calculated the value of the Union, and although it will always be most advantageous to the sections where labor and its products are cheapest, yet they are willing to pay the price they have stipulated. Supposing then the desire to maintain the Union to be sincere, the States will have no temptation to reduce the revenue below what is required for the necessary expense of government. To this it ought to be reduced. The truth is, that this is all the important effect which the checking power will ever have; and this is the effect which is dreaded by its antagonists.

A single State, it is true, may suspend, though it cannot annul a law, if three-fourths of the States be disposed to grant the power. But as three-fourths may modify the Constitution as they please, if a single State should exercise its power capriciously, a full indemnity might be exacted. This is a security against the wanton exercise of the power by a State.—But the securities are endless. When it is proposed in a State to exercise the power, the very proposition is an acknowledgment of weakness. The State is in a minority.—This, alone will damp the spirit of the people. By the plan we now propose, two-thirds of the State, as represented in the Legislature, will be required to call a Convention? You must satisfy two-thirds of the people, who cannot be corrupted though they may be misled, that the law is unconstitutional and oppressive; you must do this against the active resistance of those who are connected with the

general government, or benefited by its patronage, among whom will always be found a considerable portion of talent; for talent is the natural ally of that government; and the passive resistance of the ignorant, the indolent, and the timid. The State is called upon to act too, knowing that it acts in vain, unless supported by one fourth of the confederaby. The presses of the majority will act their part in sustaining the opposition within the State. Suspicion will be cast on the motives of those who are active in exciting the State to interpose. Under all these discouragements, is it too much to say, that the proposed check is one of too little, rather than too much, vigour. Such is the truth. Usurpations will still go on. More revenue will be exacted than is required for the expenses of government. Abuses must be flagrant indeed, before the people can be tempted to set this mighty machinery in motion. Certainly there never was a check in government, so effectually guarded against the possibility of abuse.

Let those who suppose that our doctrines would reduce the Union to the condition of the old confederacy, compare the state of things I have described with that confederacy. Now the laws of the general government go into operation at once and of course. Their operation can only be arrested after the difficulties mentioned shall have been overcome; and a Herculean task it is. They can only be suspended for a time, if three-fourths of the confederacy shall agree to enforce them. Then the acts of Congress were dead and inoperative, till similar difficulties were overcome to give them life and efficacy; and if any confederate refused to perform its part of the compact, there was no authority beyond that to enforce it. This indeed is all the improvement the old confederacy needed, which, by the bye, was pronounced the best government then in the world.

That the principle we contend for would, if generally recognized, promote harmony and tend to the perpetuation of the Union, is too obvious to be doubted. Here discontents would find vent. What temptation would any State have to desire the destruction of the Union, when it had in its own hands the means of protecting itself from injustice. This feeling of security would beget favorable dispositions; it would add, I admir, something to the difficulties of legislators in Congress; but some disadvantages attend the best institutions. Instead of bare majorities passing sweeping laws to promote their own interests, heedless of their destructive effects on the interests of the minority, they would be under the necessity of devising measures to reconcile the interests and feelings of every section. But they would be rewarded for their toil, (if they estimate such reward,) by the confidence and attachment of the whole country. Thus instead of a rope of sand, the Union would become a golden chain, which violence would not break, or time corrode. If under the Constitution, the State have already the power contended for, without which the confederacy cannot exist; the exercise of which will be a safe, peaceful, and efficacious remedy for the evils of which we complain; promoting harmony and strengthening the Union, it only remains to inquire, why the power should not be exercised and the remedy applied.

If we cannot resort to this remedy, it is plain we have no other. And I will say more; no other could be devised by the assembled wisdom of all the States. Distinguished men have long sought to devise some impartial tribunal, which might be the umpire between the General Government and the States. But from the nature of things, this is manifestly impossible. By the General Government, we mean a majority of the States and people. Then, if you give the creation of the tribunal entirely to the States, they can at all events have but equal authority in the formation of it. If you give to each State the power of selecting one member of such tribunal, each will be chosen so as to represent the interests and opinions of his own State, and you will have the very same majority to controul you, from whose oppression you have appealed.

But if the Constitutional right be clear and the remedy effectual, why should it not be applied? Do you say, that clear as it may be, it will not be recognized

by those who are opposed to us? they will persist to execute their measures and if it be necessary, resort to actual force for the purpose, and thus civil war, anarchy and disunion, will be the result. And is this reasoning addressed to the people of—South Carolina! Shall I not defend my purse from the robber, for fear he should do violence to my person? Shall the States, be deterred from using their lawful and Constitutional privileges, for fear that it shall provoke others to lawless and unconstitutional violence? Would it not be so? Would not they be the rebels and traitors to the Constitution? and would not any impartial tribunal so pronounce them?

But I believe we can avert the fears even of those who are influenced by this sort of reasoning. I believe that they would not resort to violence. I believe so, because it is safe to calculate that men will be governed by their own obvious interests. They cannot but know, that such a blow once struck, would rouse every freeman, from Norfolk to the Balize, and that the Union would be severed never to be united again. And what would be the consequences to them? The loss of every thing—the being reduced from their most prosperous state, to as depressed a condition as a civilized people can be placed in.—And shall it be called an appeal to the forbearance or an attempt to work on the fears of an adversary, because we believe he will not do an act of open wrong, to the utter ruin of his own most essential interests?

We offer further security against violence. We intend to proceed according to law—and to resist by means of its peaceful process. In the first place, we shall have a question which "the forms of the Constitution" will allow to be presented to the Federal Judiciary, if it should attempt to take jurisdiction of a question which the competent authority has already decided. We can compel a decision and the reasons in support of that decision, to be laid before the South and the Union. And though it would perhaps be extravagant to hope that conviction can reach that tribunal; yet, we cannot but hope a most important effect from the canvass that will thus take place, in enlightening the public opinion.

We shall have a question, too, to present to the juries of those tribunals uninvolved in the disguise of a false and fraudulent title. It is a modern heresy, and the most dangerous one of the Mansfield school, and utterly at war with the free spirit of the old common law, that juries are not to decide according to their own conviction both of the law and the fact. The most important, the most sound and durable, accessions to public liberty have been made by the verdicts of juries; and the most important, in future, will be gained by the same means. This is the legitimate organ through which public opinion is heard, in countries where the common law obtains. They are the true judges on those questions of "common right," which are better decided by plain sense and the heart of a freeman, than the acutest dialectician that ever wrangled.

What room is here for the interposition of force? Will the commanding officer at Fort Moultrie send a detachment to take charge of the Jury, till they find a verdict in pursuance of the direction of the Court? Or, if damages be recovered against a Collector who commits a trespass on the property of a citizen, will a General and army be sent, to make war on the bailiff who goes to execute his Fi. Fa.? Will you try Mark Solomons for high treason? Or, in the very teeth of the Constitution, which declares that no preference shall be given to the ports of one State over those of another, will Congress disfranchise the port of Charleston and send a squadron to blockade it? Does the Constitution, which authorizes Congress to call out the militia to "execute the laws of the Union," authorize it for the purpose of obstructing the execution of the laws of the States? It must be a bold majority that shall pass an act for that purpose. All the curses and infamy that ever were heaped on the head of criminals and tyrants, would scarce equal the memory of that majority. This I believe would exceed the courage of the President of the United States. He would sacrifice himself in a good cause; but I believe it exceeds his hardihood to sacrifice himself with the present age and with all posterity, in a cause obviously the most lawless and wicked that ever a sword was drawn in.

I will not deny that it is within the limits of possible events that the course we propose to pursue may occasion a resort to force, as it is possible that a comet may strike the earth from its orbit. But on my conscience, I believe one to be nearly as probable as the other. And for the sake of our dearest interests; for the sake of liberty; for the sake of the Constitution, the Union and posterity, I think that remote risque ought to be encountered. I think a determination to submit to the evils we endure, would be attended with risques infinitely more fearful; nay, the most certain dangers and calamities. I believe that these are rendered more imminent, the longer we delay.

It is because we are satisfied that we are pursuing a peaceful and constitutional course, and do not look to war or disunion, that we do not seek the co-operation of the other Southern States. We believe that a Convention of the Southern States would be unconstitutional, and more than any thing else, tend to disunion. But if a time of extremity shall arrive, there can be no doubt of their co-operation. Their interests, their condition in the Union, circumstances, inevitable as the working of destiny, must drive them to the stand which we desire to take. I hear already the note which summons Georgia to the common standard. Let the Supreme Court, by virtue of its claim to apellate power, proceed to arrest the operation of her laws, within her own territory and upon her own citizens, and my life upon it, Georgia will be found occuping the very position in which we wish to place South Carolina. But if any thing could retard the desired co-operation, it would be that South Carolina should shrink from the course she has marked out to herself. In the absence of the accustomed leader from his post, she has happened to be pushed to the van of this great contest, and if she shall blench in the hour of trial, what has she to hope from those who are still behind her.

Such are the views we profess and we appeal to you, whether they are the views of demagogues or disorganizers. That such epithets will continue to be heaped on us by those who are opposed to us, we are well aware. Those who have imposed the tariff tax cry out treason, and threaten to levy the *hemp tax*. This is the consideration in which the Sovereign States of the South are held by the men of the North. When Mr. Webster enquires if the States can authorize individuals to commit treason, I could perhaps more readily answer him, if it were asked, whether a citizen of this State—his original sovereign: to whom all his allegiance is due, save what *she* has delegated to another, should be found "levying war against her, or adhering to her enemies and giving them aid and comfort, would incur the guilt of treason." I verily believe that the people of the South are the tamest in the world—certainly not from want of the love of liberty, coldness of heart or fearfulness of temper, but from that very loyalty and devotion to what we have been accustomed to hold sacred and which we are reproached with wanting. If the burdens which have been laid on the South, had been imposed on New England, the band of the union would long since have been snapped like a string of tow. And would this be matter of reproach? Certainly not; it would result from that spirit of liberty which has always distinguished her. But shall those states cry treason to South Carolina? who, devoted now, as she ever has been, to the whole country, if a common enemy should call for a common effort, would reply as promptly to the call as she did in 1776 or 1814. We have been assimilated to Hartford conventionists; but it remains to be seen, whether the day will ever come that we shall be compelled to retract and extenuate the sentiments we now utter or the conduct we now pursue; or whether every one of us will not promptly and proudly, to his latest day, avow and defend them. South Carolina will not commmit nor authorize treason.

If any thing could endanger that our contest will end in blood and disunion, it would be the conduct of those mistaken friends of the Union, who actively seek to discredit our views and principles with our natural friends and allies of the South, and to strengthen the hands of our enemies. Spirited by them—count-

ing on our divisions and weakness, and the support which they will receive from among ourselves, they may be tempted to strike a desperate blow. If such is to be the result, and the stars of the Union must be quenched in blood—if they will persist to clog the efforts of those who are struggling for life amidst the troubled waters, on their heads be the crime and the shame. But no; founded as we believe our principles to be, in truth and the principles of the constitution and of freedom, we cannot doubt but that they will finally prevail, and those *friends*, who are seperated from us because they have mistaken us—to whom we have been accustomed to look as associates or as leaders, when the question was of constitutional liberty, or the country's good, will yet be found by our side, sustaining as rightful and glorious a cause as a patriot ever struggled in.

JUDGE RICHARDSON'S ARGUMENT.

Argument of Judge Richardson, made at the meeting holden on the 20th inst. at Columbia, which had been called for the purpose of interchanging opinions upon the proper remedy to be adopted for the grievances we endure, under the protecting Tariff. Judge Harper had expounded the objects of the meeting, and had given his opinion and arguments—that the proper remedy was by a Nullification of the Tariff Laws, to be done by a Convention of the People, to be convened, by virtue of the National Sovereignty of South-Carolina.

Judge Richardson rose, to answer the arguments of Judge Harper, and to expound to the meeting the objections to the course proposed. He stated, that the objections to the whole doctrine of Nullification were insuperable—that the mode of redress, if carried into successful operation, would destroy all State Sovereignty—be a fatal blow to the doctrine of State-Rights—and introduce a mode of changing the Federal Constitution, unknown to that compact, and subversive of its provisions. He explained the doctrine of Nullification to be bottomed upon this assumption: That our grievances, under the Tariff of Protection, were too intolerable to be borne; and that, therefore, the Tariff Laws must be nullified by means of the transcendant authority of the State sovereignty. But that, inasmuch as such a Nullification of the Federal Laws would amount to an infraction of the Federal Constitution, and become a virtual secession from the Union, (which, it was admitted, would be an evil more intolerable than the grievances arising out of the Tariff,) within the two last years, the following refinement had been superadded to the doctrine of Nullification: That, after nullifying the Federal Law, the State would still remain in the Union, notwithstanding the act of resistance, unless the other States should, in like manner, call Conventions, and supercede the Nullification of this State, by a vote of three-fourths of the States; in which event, the intolerable grievances complained of must still be borne. Judge R. laid down the following principle to test the force of his objections to the doctrine of Nullification. It was admitted (he said) by all writers, upon rhetoric, law, divinity, or politics, and was equally a maxim of common sense, that, whenever a position or doctrine unavoidably leads to inconsistency, or absurdity, that position or doctrine has no rational foundation, and is false. He then stated, that he would present, not one, but several consequences arising out of the doctrine of Nullification, so absurd in themselves; and so inconsistent with the principles of national sovereignty, the republican doctrine of State rights, and the written provisions of the Federal Constitution, that he did not believe it was within the wit of man, or the power of elocution, to reconcile those discrepances. After requesting the attention of the gentlemen on the opposite side, and challenging argument, either at the present time, or to-morrow, if the meeting would adjourn, and give time for the consideration of his objections, if that were necessary—he begged that gentlemen would meet his

arguments fairly, as it had been candidly acknowledged, that Nullification was the final object of the Convention; and then enumerated the objections as follows:—

First. That the State, which nullified a law of Congress, claimed the right of calling upon the other States, and obliging them to call Conventions, in order to affirm or negative the act of Nullification; whereas, by the provisions of the Federal Constitution, no less than two-thirds of the States, or two-thirds of both houses of Congress, have the power to call Conventions; or, in any other mode, to require alterations or amendments of the Constitution to be considered of. That this wise restriction of the power to two-thirds, (which is intended to prevent the confusion and excitement, which would continually arise, if the power to require the discussion by all the States of Constitutional changes, were allowed to every individual State,) would be entirely laid aside, and is disregarded by the doctrine now proposed. That doctrine would give to the single State, nullifying the law, the power to force the rest of the States to entertain and negative the act, or else, to leave the act of Nullification in complete operation. The next inconsistency arises out of the gentleman's argument, upon the check from the Veto. It is, that, if one State can nullify a law of Congress, or in any way suspend its operation, we are virtually brought back to the simple power, which Congress had under the old and discarded confederation, to pass a law, and leave it to the States to execute the law or not. For there is no material difference, between the power to suspend and render the law inoperative, and the right, under the old Confederation, to leave the law unexecuted. This consequence would utterly destroy the most important, and essential right of Congress (as explained by the Gentleman himself, given by the Constitution—to execute its own laws and the want of which right, under the old Confederation, was the strongest reason for the adoption of the Constitution of '88, in order to correct, thereby, the former imbecility of Congress.

The third inconsistency.

The doctrine of Nullification, if successful, would place the National Sovereignty of each State under the control and supervision of three-fourths of the States. Such a power in three-fourths, to control and supervise the National and Sovereign acts of any one State, is utterly incompatible with, and would entirely destroy, the sovereign power and national independence of every State. He here noticed some consequences, which would or might readily arise out of the establishment of a right in any foreign power or powers to control the State Sovereignty and State Rights. For example, Congress might pass a law, by a bare majority, that all persons, of whatever color, born within the United States, were free and independent citizens. We would of course proceed, under the doctrine of Nullification, if once established, to nullify the law;—Convention would then be called, in all the States, under our own doctrine, who would proceed to affirm or disaffirm the act. If three-fourths of the States (a thing by no means improbable) should uphold the law of Congress,—our State sovereignty and our domestic State Rights, having been placed under the pupilage of three-fourths of the states, by virtue of the doctrine, established by ourselves, could avail us nothing. If we claimed, under the same circumstances, the right to secede from the Union, it would be under the sovereign power of the State;—but that sovereignty having been yielded up to the guardianship and control of three-fourths of the States, those three fourths would no doubt prohibit our secession. What then would we do? We might still resort to physical force,—to the power to fight. Judge R. said, the *power* would remain,—but the Constitutional *right* to fight would be equally under the control of three-fourths. Doubtless in this event, we would go to it manfully, under the power,—but without the *right*, and with the colored population, added to the whites, arrayed against us. The distinction between the power to fight, and the right to fight is an obvious one; the power depends upon physical strength and cannot be alienated;—but the right may be restrained by Conventional law. The Barber who shaves his

neighbour has the power to cut his throat, but he has no right to do it. Why has he not the right as well as the power?—for he may have cause to excuse the act. The answer is plainly this. He has given up his natural right of revenging his own wrong by submitting to the laws of the society in which he lives, and those laws forbid the exercise of his natural power, or if you choose, his natural right. He may be *excused* under certain circumstances; but he cannot be *justified*; his own contract to obey the laws forbid the exercise of his natural power. The physical *power* of slaves to rebel, and fight is unquestionable, but all right to rebel and fight is taken away by the particular laws of his society, and therefore they cannot rightfully rebel. The same may be said, in order to illustrate the distinction, of children under lawful age, and of all persons under pupilage, or wardship. And the same may be as justly said, of every people, who have given up their sovereign right to another power, when that other power forbids the exercise of the right. This exhibits the true distinction, between a colony or foreign dependancy which has yielded up its sovereign right to the mother country. And a sovereign, and independant nation;—which last South Carolina now is; but which she would not be, were she once to yield her sovereignty to three fourths of the States: Behold then the direct consequences of the doctrine of Nullification, as expounded by the honorable gentleman, on the other side. Whatever may be the intention of its projectors tho', doutless, virtuous and patriotic, the establishment of the doctrine prostrates state sovereignty and strikes fatally as State Rights. Would it not be better, to have State Rights, preserved in purity, unobscured, by the delusions of a splendid central Government; and State Sovereignty, free from the political heresy, which would raise the state authorities above the Federal Government for one particular purpose; but in the same breath, by striving to reconcile an act of disunion with the preservation of the Union, would place State sovereignty, under the controlling guardianship of three-fourths of the states, lest Sovereignty itself should be, too free, too independant and too sovereign.

The fourth inconsistency is already placed before you by the argument of the honorable gentleman. He says, that while the Constitutional operation of nullification is to destroy the present Tariff Laws, it equally operates to revive the Tariff act of 1816. While with one hand it slays, with the other it restores life; and kindly admits some duties still to be paid to Congress. This revival, it may be presumed is, to preserve allegiance, and to keep us safe within the pale of the Union. Good; but mark the usual consistency of the doctrine. It is brought forward to put down the protecting duties, and yet, it is to revive the original act; which was at the bottom of the protecting system—it puts down *living* protecting duties, and revives *dead* protecting duties. While at the same time, the only constitutional principle to support the doctrine is, that all protecting duties are perversions of the federal Constitution. Can common sense bear all this? Is no one principle of nullification to speak for itself; and to be followed out in all its consequences? If it revives one dead law, why not all other tax laws; and why will it not bring to life John Adams' act of direct taxes. But no, 'tis the potter's clay, in the hands of its advocates; let them mould its distortion into symmetry; we cannot. You are presented in a few words with four unavoidable suicides of nullification,—but the day of wonders is not yet over; and it still lines in the imagination of honorable men. It died after violent throes, at Statesburg; let us now inter it deep; sing a requiem to its manes, leaving its fame, ripe, in those imaginations. After pointing out the inconsistencies, which, in his judgment demonstrated the doctrine to be unconstitutional, false, and dangerous in itself, he turned the attention of the audience to the inquiry, whether the docrine, as expounded in South Carolina, was upheld by the Kentucky and Virginia resolutions of '98 and '99. After much consideration of the subject, and reference to those resolutions, he pronounced it, as his decided opinion, that those resolutions did not support the doctrines under their true construction and meaning. He urged that those resolutions

amounted to no more than a solemn protest against the constitutionality of the Alien and Sedition Laws, and a call upon the States generally, to resist those laws; and to bring about their repeal—that, they were never intended to operate, as an actual suspension of those laws, or to affirm a power in an individual State to suspend a law of Congress. He called upon the advocates of nullification, and challenged them to produce *a single sentence* from the volumes of Mr. Jefferson's Writings to support the construction of the meaning of the term Nullification, used in the resolutions. He read the letter of Mr. Jefferson to Mr. Giles, of 1825, and another of Mr. Jefferson's letters in 1798, to prove that if Mr. Jefferson ever thought that nullification could operate as a practical meaps to suspend a law of Congress, he would then have said so; and, finally, concluded that the whole doctrine is as destitute of authority, as of intrinsic reason. Neither Virginia, nor Kentucky, from which states it is supposed to have been taken acknowledge it as theirs; but call it the Carolina doctrine. Mr. Jefferson has recorded it no where; and Mr. Madison stands in mute astonishment at the misuse of his name, when coupled with this strange version of the resolutions of '98 and 99. At best it forms no more than an ingenious but disputable exposition of those resolutions.

Judge R. then turned his attention to the subject of Convention, in order to shew that its material object was to enforce the doctrine of nullification. This had been candidly admitted on the other side. He stated that in December last, an inquiry had been made in the Legislature of this State, as to the power to nullify a federal law; but as great difference of opinion appeared, nothing was done. Since that time, continued discussions had been made in the public prints upon the same subject; and, finally, the public mind had settled down to the opinion, that a Convention of the people alone could exercise such a transcendant right of the State sovereignty. Upon this opinion appearing the proposition to call a Convention has been made. No other object, except that of nullification, was, for some time, coupled with the call of a Convention; but since the doctrine of nullification has been thought questionable, a Convention is still urged upon the people, as a means of some vast and undefined good—and he would therefore enquire, whether it would be expedient, now to call a Convention, for some indefinite purpose, less than nullification. It had been justly said that there were three remedies—1st those which arose out of the ballot box: 2d out of the Jury box: and 3dly out of the cartouch box. Every proposition, he had seen amounted to one of these three; in other words the remedy arose from the rights of ballot, the consciences and understanding of Courts and Juries, and from the right to fight. As to the first of these remedies none was wanted; no party complained of the ballot box; and if any alteration should be required, the legislature had all the authority for that purpose. As to the 2d remedy by the Jury box and the consciences and understanding of a Court and Jury could be as well informed by the opinions of the legislature, as by those of a Convention that as far as protest, remonstrance or argument could go, those of the legislature were as authoritative, as any that could be made by a Convention. Neither body could do more than appeal to reason, to magnanimity, to state pride, and Constitutional law. After all that could be done in this way, it would amount to, no more, than the opinion of a limited number of individuals, selected from the 250,000 persons, who all hold the same opinion. That therefore, any act to be done by the Convention, short of actual resistance, could amount to no more, than what had been already done; and may be again done, by the legislature, as effectually, fully and authoritatively, as by the Convention. It was then obvious, and unquestionable that the third class of remedies alone, called for the extraordinary powers of a Convention; and there could be no other definite, and intelligible object to justify the call. But we have seen that, this third remedy or resistance by force, is unwise, unconstitutional, dangerous, and subversive, of our own rights. In a word, nullification is a false doctrine, destitute of consistency, or reason: and unsupported, even, by the authority supposed.

Notwithstanding this view of the ostensible office of the Convention, many persons were still of opinion, that it ought to be called, in order to bring about some indefinite and possible remedy. But before we would call together a body of men, clothed with the sovereignty of the state, it would be prudent to consider the evil, as well as the good they might bring about. The power of the Convention would be equal to those of the entire State; they might do any thing, that the people themselves could collectively do, their power would be absolute, and uncontrollable. Any attempt by the legislature, to restrict their power, would be as idle, as an attempt, by an infant, to tie the hands of Hercules. There can be no doubt, that the Convention, would have it in their power to subvert the Constitution, destroy the Government or secede from the Union. In a word they would have in their hands, the whole sovereign right of the State. This is also fairly admitted. I ask said Judge R. if you would confide such tremendous powers to any one man? the answer is no, you would not, unless to answer some immediate, defined, great, and unquestionable good. True history informs us that such power would probably be abused and his own individual exaltion would be raised upon the ruin of the general liberty. Again I ask he said, if you would confide the same power to thirty chosen men? the answer would be again no. You would readily remember the historical fact, that the Athenians had tried that very experiment, in order to divide the sovereign power, and thereby to blunt its edge. But the result was, that they found thirty masters and "thirty Tyrants" proverbial, in history, for their absolute government and tyranical misrule.

I ask, thirdly, if you would be disposed, were it in your power, to confide such vast sovereign authority to the Legislature, at the next general election, on the second Monday and Tuesday in October, without any defined and great object, or plain necessity? I am assured that the answer would be one long, deep, and vehement No; because such a fearful power would exist for two years at least, and they might at the end of that time declare their session permanent. You would readily apprehend, that the vehement nullifiers the secret disunionist, and the bold projectors, having once got a foothold in that body, would confederate themselves together; might seduce the weak, bribe the selfish, lure the ambitious, and mislead the credulous; and finally, bring about great innovation, if not erect a despotism. Then, I ask, why you would more readily confide the same tremendous power, to last for an indefinite time, to the same number of men, calling them Conventionists, in place of Senators and Representatives? Where is the difference? Are they not as likely to abuse their authority? Is not the object as indefinite? may they not manage, under one pretence or other, for som plausible purpose, to continue their power to an indefinite period? The gentleman says the final act of the Convention might not be immediately performed. Would not the nullifiers, projectors, and disunionists be as likely to get foothold, in the Convention, as in the General Assembly? Would not every one of us be as easily seduced, bribed, lured, or led astray in the one body, as in the other? would we not meet together, under galling disappointment, and during an excitement of the public mind totally inimical to cool and rational deliberation? It is an idle mockery to answer to these apprehensions, that Conventions have met before to form Constitutions, and done no harm. The plain distinction between the Convention now proposed, and those Conventions is, that they met for one defined, and well-understood object, beyond weich they could not proceed, without immediate suspicion, and an alarming violation of the notorious trust confided to them. But this Convention will meet to answer the purpose of striking out some remedy, as yet unknown; and to arise out of the infinite variety of propositions submitted to them, by any, and every member; or else they are to nullify the Law and to superinduce the evil consequences, which I have demonstrated, must arise from the act of nullification.

I challenge the advocates of this doctrine, to produce a single instance, from our own, or other history, of a Convention being called, or a supreme power

being conferred, for *so indefinite a purpose under such a state of excitement*; and great evil, or alarming innovation, failing to arise therefrom. "The basis of our political system," says the venerable Washington in his Farewell Address, "is the right of the people to make, and to alter their Constitutions of Government: but the Constitution, which, at any time exists till changed, by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and right of the people to establish government, presupposes the duty of every individual, to obey the established Government. All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe, the regular deliberation, and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community. The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose, in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty."

I would ask you here to pause, and reflect, on this picture taken from the Legacy of the Father of his Country. Did ever uninspired, or inspired man at the distance of four and thirty years, depict more truly the present posture of our affairs. The nullifiers seek, by a way unknown, to the Constitution, to counteract that, which, "till changed by an explicit and authoritative act of the whole people is sacredly obligatory upon all," says our political Father. "All combinations, &c. under whatever plausible character, to controul, &c. the constituted authorities, &c. are of fatal tendency," &c. "They serve to organize faction," &c. "The alternate domination of one faction over another, &c. sharpened by the spirit of revenge, is itself a frightful despotism." Pause and reflect again. Has or has not the attempt of the nullifiers produced these consequences, in this State? Look to the facts before your eyes. The non-Conventionists are, at this moment, joined by the venerable Thomas Taylor, the Patriarch of Columbia; on the opposite side are arrayed his no less virtuous sons. Two members of Congress are present; one with me, and the other for a Convention. Look a little further, and you find Senator Smith, together with Generals Blair and Tucker, Col. Drayton and Mr. Nuckols, members of Congress, but non-Conventionists. Arrayed against them, stand Senator Hayne, together with Messrs. M'Duffie, Martin, Davis, and Barnwell—the opinion of Mr. Campbell, the ninth member, unknown to me. On my side, Daniel E. Huger, and James L. Petigru; on the other, his friend James Hamilton, and Henry L. Pinckney. The whole State is about as equally divided as our members in Congress. You see, on each side, equal grounds for calling disreputable names. The non Conventionists are joined by the Tariffites, and the loyal; hence they are called submission-men. The Conventionists are joined by the Nullifiers, the few advocates of Disunion, the turbulent, and the bold prejectors,—hence they are called Disunionists: when, in truth, the whole body of both parties are sterling Americans. Senator against senator, member against member, friend against friend, and son against father, are before your eyes, in equal proportions. Is or is not faction already "*sharpened by the spirit of revenge.*" Read—read, once more, the last, the crowning act of Washington, for his country. Your leading Statesmen are committed; *and the people must interpose.*

I have proved, by argument, that if the Convention be called to nullify a Law

of Congress, it leads to Disunion, to inconsistency, and the subversion of State rights. I will now show, that, if it be called for any purpose short of Nullification, who are the *submission men. Let those who have heated the iron for their neighbors, receive, themselves, the brand.* The State has remonstrated again and again. In February, 1829, it recorded its final protest against the Tariff of protecting duties; and bid adieu to further remonstrance. Since that time, one Senator and four Members of Congress, think the majority hold out signs of a more just policy; that the President may have influence to change the past course; and that our remonstrances are *operating upon the public mind.* Another Senator, and four Members think quite the reverse; and would urge on Convention. On our side we would rest for the present. We deem it unmanly to make further remonstrances; and would leave the majority and the President, under the signs of the times, to develope their final policy, before we act; lest we should counteract our own ends. The Conventionists would have, at least, a peaceable Convention, to advise, or to do something. Now it is evident, that, if they do any thing, less than nullify the Law, they must do some act of further *submission and humiliation*;—they must take their choice of two characters. They must become the real submission-men, by further inconclusive measures; or unconstitutional nullifiers by their practical resistance. They have no alternative; and must take one side of their own dilemma. But is it not more rational and more Constitutional, to avoid the extreme of Nullification? And is it not more manly and more dignified, to avoid their opposite extreme of a peaceable, submissive, and remonstrating Convention? 'Tis past doubt in my judgment, that the doctrine of the Conventionists *prove* them, what I would not volunteer to *call* them, *full-blooded Disunionists*, or *humble Submissionists*: while yet they would attach the latter name to us, because we hold Nullification, both, beyond our power, and dangerous to republican doctrines; and because we disdain further acts of mere humility.—I repeat it, no advocacy can reconcile the inconsistency of the Conventionists; and they inscribe their own name by their own doctrine. It is wise in man to consider well before he acts, what he can carry through; and to attempt no more, lest he bring down ridicule. The Conventionists assume the Lion's skin: if they can nullify the Law, and carry through their purpose; their gallant bearing may wear it fairly. But, if they come short of this, they take "a calf-skin on their recreant limbs." Some recommend a Convention, which is to operate as a safety-valve to let off the collected and hot humours of party discontents; and say, "this is harmless." But what can such a mere talking Convention do, but to "organize faction"—to sharpen its edge, and then to rail at each others extremes; and possibly to end in the realization of the bodings of Washington? A Convention to nullify may have the distinctive virtue of Achilles; but a Convention to rail, must, inevitably, look for a prototype in Thersytes—

> "A factions monster, born to vex the State,
> With wrangling talents, formed for foul debate."

Judge R. said, he would but briefly notice the Tariff of protecting duties.—He stated that he had, upon two occasions, pronounced his opinions, not only upon the impolicy, and the extravagance of the system; but that it was a perversion and abuse, of the constitutional power to raise revenue, by Congress. It had happened to him, at a very early period, to have formed an opinion of it's inherent impolicy. This opinion he had pronounced, at the first Anti-Tariff Meeting, probably ever holden in the U. S. That meeting sent out the first remonstrance against the system; which remonstrance he had signed. He was the Chairman of the Committee of another meeting, who sent out, the first of the second, series of the remonstrances of the State of South-Carolina. These facts indicated his sentiments, and his pride of opinion against the misnamed American System. But he would take occasion here, to do justice to the author of a pamphlet which had been noticed in the debate on the other side. He believed J. N. Cardozo to

have been the first political Economist who put the State of South-Carolina upon its guard against the protecting system. And acknowledged his own indebtedness to the strictures of that individual, for his very early impressions against the Tariff of protecting duties, and its anti-commercial tendency. He had not considered fully the pamphlet noticed, but he considered it prima facie proof of its correctness, that it came from J. N. Cardozo, the early, uniform, temperate, and rational opponent of the American System. Judge R. said, he could not be the apologist of the high Tariff, which he had so often denounced; but declared it as his opinion, that the settled maxim of all Political Economists, that he had ever read; and which was confirmed by the practice of the Government, for more than forty years. That the consumers pay the duties according to their respective incomes, had never been shaken. That though the exporters of our staples are under some disadvantages, yet they do not pay the duties. And that, all the States, labour under such disadvantages, from the restrictive system, when compared with Free Trade, that it upheld his hope—that the signs of the times were not altogether fallacious: and that the late policy of the majority in Congress, may yield to their experience of the evils of their own System. He said, that he felt it a duty, upon so solemn an occasion, to express his opinion distinctly and fearlessly. He would do justice, at such a time, to an enemy, or an enemy's dog;—and he would not spare a known error in a friend. So much was due to truth and to the people. He did consider many popular arguments against the Tariff, as carried to unwise and unjust extravagance: and which, being made to men really labouring under great disadvantages, and under galling disappointment, had done unwilling mischief.

There is often an intemperance in zeal, that overshoots its noblest end. There are Mar-plots in Politics, as well as in Comedy; and it was true, before Junius wrote it, that a man may become not only his own enemy, but the enemy of his friends. I do believe, he said, that your very last paper presented an instance, on my part of the question, which I now feel; and which forms my excuse for the notice of my own Anti-Tariff course. Do not, therefore, misunderstand me. He that could suppose I would arraign the honest aim of our statesmen, knows neither my heart, nor its friendships. But I do hope, and think, that, when acting as advisers, and not as debatants, they would not repeat all they have said, in the hot collision of debate, or, at least all they are supposed to have said. For instance, I know it to be no uncommon opinion, that it has been demonstrated, that we pay 40 per cent. taxes under the Tariff, upon our incomes, and yet 40 per cent. upon the lowest income ever allowed to the United States, viz. $350,000,000, would amount to $140,000,000 imposts: and the same 40 per cent. upon 70,000,000 (the lowest income ever allowed the staple-growing States,) would amount to $28,000,000, or $6,000,000 more than the whole duties (viz. $22,000,000) paid by all the United States together. I do no believe that such extravagance has been thought or really said by any statesman; and yet it is not the less true, that many good citizens suppose, we pay 40 per cent. upon our incomes, to the general Government. Men take such things from the hot current of debate, without attending to the original position, with which the orator set out, in order to govern and restrict his subsequent observations and illustrations. The actual position made, as I understand it, is no more than this; That the income on $350,000,000 pay $22,000,000 imposts, which amounts to nearly 40 per cent upon $58,000,000, the supposed average value of our exports; out which, in reality, is less than 7 per cent upon our whole income. In the debate now before you, it would be ungenerous to ask one of the orators, who has favored us with his strictures upon party character, to go to that table and put his name to this libel—"Thomas Taylor, Tory," and yet under an extended construction of his characteristic charges, he might be fairly asked to ratify his notices his party politics by so doing. That venerable man, after intense attention to the argument; and having mastered the doctrine of nullification, rose unexpectedly under the vigor of patriot's heart, and a strong

mind, to tell where he believed truth lay. He was heard with wonder and delight. Aged virtuous and wise, he rose like Ulysses—like him, "majestic in decay." His evening decline is as benificent, as that of the sun; and like that luminary, he gives his kindest glance while disappearing from the world. We may be weak here in numbers, but we are strong when flanked by this veteran hero; and as if the protection of honest efforts were to be crowned by all the virtues, you have seen that Washington came to throw his mantle over our cause.

But I will return to the topic suspended for a moment. I admire and regard our vigorous Statesmen, but I love the Country, its peace—its Constitutional integrity and permanency more;—I award the justice,—and no less, than I claim. The very error I arraign they may possibly think, I now verify, in myself. Be it so:—you are to judge. "Censure us in your wisdom, and awake your understandings, that you may the better judge.

Judge R. then gave his opinion as follows. He thought, that all attempts to disprove, that the ultimate consumers paid the duties, and that they fall upon the Exporters or Exporting States, either proved the Government an unjust despotism ever since its adoption; or they prove nothing. But that all the States, depending on Commercial Exchanges, as South-Carolina did, felt the general disadvantages of the Restrictive System, in a greater degree than the rest of the States, was most true. That sectional address and power had been used to some extent, in order to lay the Duties, or take them off advantageously, to the Tariff States; and that there had been a disregard of our peculiar claims upon the same principle—he had no doubt. That, therefore, as he never questioned the impolicy of the protecting Tariff, in reference to all the States,—he equally felt this unjust and unequal practice, under the System. But, *under all circumstances*, after the maturest consideration, that his understanding was capable of; and after collecting all the information within his power—he thought we ought to rest, for a time, and under the prospect before us, where we put ourselves by the Protest, recorded in Congress, February, 1829.—Not to nullify the Law—for that is madness;—not to call a Convention for a less purpose: for that is to go to the ultimate resort, and the length of our tether,—with all its dangers, and without adequate object, for the risk run. It could, at best, be humiliation thrice told: and that would indeed be,—"to bow down, and worship the golden image on the Plains of Dura!" You have nobly redeemed the pledge given by your Chairman, that none should be interrupted HERE. No rude noise is made, and no partizan menaces by interruption, or even by an intemperate look. You have our respect and thanks; and a great step is made towards the acquisition of Truth. The disadvantage, though, is still great, because such meetings are got up, by the side, that would act,—not by those who oppose action. Your Statesmen are committed, say, if you please on both sides. The people must therefore interpose,—assert their rights, and be the final judges. The occasion calls for energy; at once their coolest and their manliest energy.

Adverting to the solemnity with which the meeting had been opened, he invoked the Ruling Power that had been addressed, to send throughout the land his peaceful and his saving virtues to uphold the Union. But should Disunion be our doom, then to restore it by unity among ourselves; transmuting and consolidating all those virtues into manhood—arming every hand, with the sword of the Macedonian Clytus, whetted and ever ready to sever the arm that should be raised against *our* Alexander, over State Sovereignty. Give, then the unconquerable will; arraying all our sons in one long, deep and iron phalanx, unbroken, though three-and-twenty States be matched against our single arm. In peace or war, let patriotism assert its place, where exulting Greece had exalted the great paternal virtue; causing its equal, wide and impartial survey; directing every private feeling to the public good. Let the sons of Carolina maintain, by their example, the distinctive title, already won, of "That Glorious little State."

N. B. The Editor of the Southern Times having said that Judge R. opposed "The Carolina Doctrine in every shape," the reader will judge for himself.

what doctrines he really opposes: He opposes Nullification and the call of a Convention, at this time, (the two provisions made and argued at the meeting. The Editor is requested to re-publish the short political creed made by Judge R. in his argument on 19th August, at Statesburgh, and which is herewith handed to him.

"1st. Individual liberty is the first benefit, to be secured by Government, and the most indispensable of its obligations. 2ndly. The National Independence, guaranteed by the Federal Constitution, has for its object the security of individual liberty and property. 3dly. The Union is the means by which both national independemce and individual liberty are to be secured against all aggression. 4thly. While national independence is protected by the federal government and individual liberty inviolably protected, the Union is hallowed. But without these two human prerogatives, derived as well from nature as the Constitution, the Union would become an empty name used by the strong and deceitful, to impose upon the weak and credulous. 5thly. The State governments have, within their immediate and indispensable jurisdiction, the protection of liberty and property. If these principles, which are holden to be primary and cardinal, are correct, it follows, that it is constitutional for a State (the proper guardian of liberty and property) to resist any law, if liberty and property *cannot be otherwise saved*—and when the law is partial, oppressive and permanent and otherwise without adequate remedy, the right ought to be exercised. The right in a sovereign State to secede from the Union is unquestionable."

In reply to Judge Richardson's *Nota Bene*, the editor of the Southern Times begs leave to state that the Judge's exceptions were entirely unexpected. He is sorry that his expressions should be misapprehended and objected to in so serious a manner. He thought it well understood that by the "Carolina Doctrines" was meant that political creed, which holds that a State has the right to *protect* its citizens against all unconstitutional acts of the General Government, and that —not by secession, but under, or at least without violating the Constitution in any regard. The exercise of this right is called nullification. The one is inseperable from the other; for a right which we are not allowed to carry into effect is no right at all. He understood Judge Richardson to deny both the right and the power of exercising it; to say with Col. Drayton, that no State could protect itself from the unauthorized legislation of Congress by any *measure* short of secession—a step evidently putting the Compact at defiance. In other words, that a state, while it remained in the confederacy *has no right at all but that of petitioning*. Under this impression, which he still holds, the editor remarked that Judge Richardson "opposed the 'Carolina Doctrines' in every shape." The latter part of the sentence will be more completely justified when it is stated that Judge Richardson expressed himself against every proposed plan of removing our grievances, save that of "folding our arms and waiting in dignified silence for their termination."

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R. BARNWELL SMITH'S SPEECH.

Called upon, Fellow-Citizens, to address you at the close of our deliberations, and when the shadows of night are around us,—policy and propriety require, that I should be as brief as the single purpose will admit, for which alone I rise. I would say a few words in the cause of Republicanism—a few words in elucidation of those principles and doctrines, which have divided the different Parties of our country, from the first establishment of our Constitution to the present day; and which I believe to be essentially connected with its vital liberties.

The doctrine, that a State of our confederacy, has the power under the Constitution, to protect her citizens from an unconstitutional law of Congress, has been represented by the gentleman who last addressed you, to be a doctrine of yesterday—an innovation upon our Constitution—dangerous to our liberties, and incompatible with the existence of the Union itself. Gentlemen, I propose to shew, that this doctrine is no theory of a summer's growth; and is no innovation upon our Constitution; but that it is, in fact, co-existent with the rise of parties in our country, and was the great principle which distinguished the Republicans from the Federalists in ninety-eight. Whether the Republican party —or the doctrines of the Republican party, be compatible with the existence of our Union, and the maintenance of our liberties, it is not my intention to argue or to prove. My object is, simply to shew what those doctrines are.

We have heard it this day maintained, and if hardihood of assertion could obliterate facts, "*successfully maintained*," that neither Mr. Jefferson nor Mr. Madison, ever upheld the doctrine of nullification; and strange to say, quotations have been profusely made to support this assertion. The misfortune, however, of all the quotations, and the arguments so ingenuously built upon them, is, that the quotations are all made from the wrong place. Those sentences which contain the doctrine, are not adduced; but sentences and expressions which have a very remote bearing,—or no bearing at all upon the question, are lavishly brought forward. Let us appeal to facts; let us turn to history. What was the contest of '98? What were the principles, upon which the Republicans differed from the Federalists in that day?

Gentlemen, the greater number of you have sprung into existence since the reign of terror, as it has been significantly called, when Federalism carried matters with a high hand in our country; and the Alien and Sedition laws were declared to be the laws of the land. What were the doctrines then maintained by the Federalists? Why *first*, by a liberal construction of the Constitution, they maintained, that these laws were constitutional;—*secondly*, that the majority of Congress ought to rule, excepting when checked by the laws of the United States;—and *lastly*, that the Courts of the United States were the final Arbiters to determine for the States and the people, on the constitutionality of all the laws of Congress. Such were their doctrines in '98. Such are their doctrines now, as they were lately exposed by Mr. Webster in the Senate of the United States, and re-echoed by the great Orator of the West. They passed the Alien and Sedition laws. The courts of the United States pronounced them to be constitutional; and thus was the circle, according to their doctrines, closed up, and the people had no resource of redress, but in lawless rebellion.

Now, what were the doctrines of the Republicans in that day? They maintained, *first*, that these laws were unconstitutional;—*secondly*, that a majority in Congress had no more right to be omnipotent, than a minority, because the Constitution was obligatory on both;—and lastly and *chiefly* they maintained, that the Courts of the United States were not the final arbiters of the constitutionality of the laws of Congress, but that the several States, as sovereign parties to the constitutional compact, had a right to judge—and judging, had a right to protect her citizens, from the operation of an unconstitutional law of Congress.—Despite the pretensions of the majority in Congress,—despite the division of the Courts of the United States in all its forms, the great States of Virginia and Kentucky, took the matter into consideration, and put forth those masterly documents, which have ever since been considered as containing the whole creed and substance of Republicanism. In the Resolutions drawn up by Mr. Madison, Virginia declared, that "in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto, have the right and *are in duty bound to interpose for arresting the progress of the evil*." Such are the words; and they would appear to admit of neither cavil nor doubt. But it has been contended, that these words were intended to imply that the interposition and the arrest, is to be merely by words,

and mean only to assert the right of remonstrance. If this was all—why did Mr. Giles move in the Virginia Legislature, that the nullification of the Alien and Sedition laws contained in these very resolutions, as they were originally introduced by Mr. John Taylor of Caroline, should be stricken out? and why were they stricken out? The answer is plain. Virginia knew, that by declaring those laws of Congress null and void, in consistency with these words and her principles, she threw herself in an attitude of resistance to the General Government, and would be bound to protect her citizens, as a sovereign, from the operation of these laws. For this, she was not prepared; and the nullification of these laws were therefore stricken out. Nothing is above or below argument, or the absurdity of one sovereign declaring that it had the right of *interposing* and *arresting* the laws of another sovereign, *by words*, would never have been supposed.

Mr. Jefferson, gentlemen,—he who has been called by Mr. Adams the great Islam of democracy, is no less explicit in his language upon this point. The word *nullification*—that word so denounced and abhorred by monopolists and Federalists throughout the land,—that word originated from the pen of Thomas Jefferson. His language is—"the several States, that formed that instrument, (the Constitution,) being sovereign and independent, have the *unquestionable* right to judge of its infractions, and a nullification by those sovereigns of all unauthorized acts, done under colour of that instrument, is the rightful remedy." In the Kentucky Resolutions he is equally explicit and clear, and asserts the right of the State not only to judge of the infractions of the Constitution, but of "*the mode* and *manner of redress.*"

Now, that this doctrine should be stigmatized by all Federalists—(conscientiously, I do not doubt)—as it was stigmatized in '98 by the Legislature of Massachusetts, and the Legislatures of other States,—is only what might have been expected—it is their *vocation*. That this doctrine should be hated and feared by all Government dependents, and speculators in the grand lottery of the American System, would be quite rational in anticipation. It is their *interest*. But that any man should be found, so hardy as to assert, without being able to read the words out of the paper, that this doctrine was not the doctrine of the Republican party of '98, was scarcely to be expected in these days of sober realities. The truth is, the great difference between the Federalists and Republicans in '98, rested upon this doctrine. They talked, it is true, about construction—a liberal or a limited construction of the Constitution. But construction is not power; it is mere opinion; and if a minority can construe, so can a majority. A mere right to construe words, without the power in a minority to enforce their construction for their protection, will be nothing more nor less, than an instrument in the hands of a majority to oppress. Whence do all the evils of which we complain originate? Do they not come from construction—the construction of the majority? And of what avail has been the construction of the minority? No, gentlemen! words are nothing—construction is nothing, without the power to protect and enforce. A Constitution is a thing of powers, and all intelligible differences concerning it, must be concerning its powers. The contest of '98 was a contest for power; and the question was, whether, as the Federalists contended, the General Government possessed all powers which a majority in Congress and the Courts of the United States, should decide belonged to it under the Constitution,—or whether, as the Republicans contended, the several States, as parties to the constitutional compact, had a right to judge of its infractions; and possessed the power, in defiance of Congress or the Courts of the United States, to protect their citizens from laws which they deemed unsanctioned by the Constitution. This was the question—the one great question, and all other points of difference were subordinate and ancillary to this. Without this power reserved to the States, the Republicans thought, that the General Government would become a consolidated Government. With the acknowledgement of this power, the Federalists asserted, that our Union would become a rope of sand.

Gentlemen, it has been so long since public liberty has been endangered, that our citizens have fallen asleep upon their rights. Since Mr. Monroe's amalgamating policy, the great lines of demarkation, between the different parties of our country, have been forgotten and lost;—and would that they could have been lost forever! It is not now uncommon, to hear men call themselves Republicans, and advocates of State Rights, and yet most strenuously eschew the doctrine of nullification, as a thing of pestilence and horrors. Republicanism—dependent upon the majority of Federalists for influence or assistence!—State Rights—without any power in the States to protect them!—All this, in the great practical business of Government, may appear very intelligible and excellent to some minds, but to me, it sounds more like solemn merriment than reason.—Without this great conservative power in the States, to protect their sovereign and reserved rights, to talk of State Rights and Republicanism, is to talk of inanities. The States have no rights—there are no limitations upon the powers of the General Government,—and ye are the vassals and slaves of a consolidated empire.

Standing, then, upon the very ground which Mr. Jefferson, and Mr. Madison, and the whole Republican party occupied in '98, we think that the time has come, when our principles are to be enforced—peaceably—constitutionally enforced—when Carolina, as a sovereign party to the constitutional compact, should interpose "for arresting the progress of the evil." She must now settle the question of submission, or resistance forever. Be not deluded with the representation, that she can still maintain an attitude of dignity and opposition, and yet pause in her onward career. Words are exhausted. Pretexts are exhausted. If we halt, we halt from fear. Our foot is on the base of the battlement, and we must advance or leave the field in discomfiture and shame forever. Are you prepared for submission?—Will you give up your liberties and rights without an effort? If this is your determination, hasten—hasten to obliterate the memory of the past. Blot out your proud motto from your Arms.—Tear down your shields from the Palmetto Tree, and hang upon its once glorious shaft, the emblems of the dastard's succumbency.

One of the gentlemen who addressed you, I understood to say, that he believed *under no circumstances* would those, with whom he co-operated, either desire or seek a disunion of these States. Gentlemen, it becomes all men, but more particularly a public man who seeks the public welfare and not his own aggrandizement, frankly and clearly to let his opinions be understood. Disguise is the refuge for timidity,—or worse—it is the cloak of unprincipled ambition, by which selfish purposes are to be concealed, and selfish ends are to be obtained. I will speak my opinions without regarding misconstructions, or consequences.

I was born, fellow citizens, under this Union. For this Union I would wish to live—and, if the victim would be worthy of the sacrifice, for its liberty and glory, I am prepared to die. A Union such as our fathers bequeathed to us—a Union of equal liberties and equal rights—a Union which affords us protection from abroad, without impertinently and wickedly tampering with the sectional and internal interests of the country—such a Union were worthy the best blood of freemen and of patriots, for its conservation. But such a Union is only consistent with the due maintenance of the rights and sovereignty of the States. If the Union is to be perverted from the high and just ends for which it was created, and to absorb the rights of the States—if instead of a Union to protect us from abroad, it becomes a Union for the regulation and government of our internal affairs—if instead of guaranteeing to us the safe possession of our property, it becomes the instrument in the hands of a plundering majority, to wrest it from our possession—offering to us no resource for redress, but the mercy or avarice of this interested majority, or the Courts of the United States, which this very majority has moulded and organized; I say with Mr. Jefferson, give me disunion rather than a consolidated government. Aye—disunion, rather, into a thousand fragments. And why, gentlemen! would I prefer disunion

to such a government? Because under such a government, I would be a slave—a fearful slave, ruled despotically by those who do not represent me, and whose sectional interests are opposed to mine—a mere tenant at will of my property, with every base and destructive passion of man bearing upon my shieldless destiny—love of domination—avarice—long rankling jealousy—and, worst of all, the fell spirit of bigotry, which would exult over my dwelling in flames, and my children given to slaughter. I were destitute of every principle of manhood—every high aspiration of liberty—I were degenerate from those fathers who swept oppression from this land, and through battle and blood bequeathed to us a glorious heritage of freedom, could I falter one moment, in my option or determination. Will some blattant sycophant in office, or base pander to power cry out "a disunionist!—a traitor!" I will tell the slave, "take the words, if they will serve you." Washington was a disunionist, Samuel Adams, Patrick Henry, Jefferson, Rutledge, were all disunionists and traitors, as the vocabulary then went; and for maintaining the very constitutional principles for which we now contend. They severed a mighty empire on whose dominions the sun never set, and over sea and land, looking matchless and unconquerable in its proud career. They cut this empire asunder with the stern energy of the sword; and shall we—shall we, standing upon the free soil of Carolina, rendered sacred by the bones of our Revolutionary martyrs and heroes—shall we tremble at epithets, or shake when a tongue rails, "a disunionist?" Gentlemen, in the spirit of sober inquiry, I would ask—who is the disunionist? He who tolerates usurpation and misrule—he who stands by, in apathy and indolence, and sees the liberties of his country overturned—or more basely aids the general Government in its destruction of the Constitution, or the perversion of its powers from all the great ends for which it was created, to the accomplishment of sectional dominition and tyranny—Are such men the supporters, or are they not in reality the destroyers of the Union? Is he not rather the only true supporter of the Union, who struggles to save the Constitution from the grasp of a reckless mojority, who endeavours to bring back the general Government to a government of justice and freedom, and to place it upon those principles of equality and equity, on which alone it can endure. Disunionist!!—Why gentlemen, does any man of sense believe that this Union *can* be preserved under a government without limitatations upon its powers, extending over so vast a territory—A government of contending sections, having opposing interests—a government by which one portion of the confederacy, must be alternately rendered tributary to the rest, without any power of self-protection reserved to the oppressed? If South Carolina should be abject and base enough to submit; when her turn has past—will the East—will the North—will the West submit? Can the wheels of such a government still go on, crushing section after section in its tremendous rotation, and there be no jar—no disturbing force, to fling it from its axle? It is impossible—utterly impossible, unless all the people of these states are slaves. The Union must be dissolved under its present course of administration. It requires no conspiracy to destroy—no exertion on our part to drag it to its dissolution. It goes down with the inevitable weight of its own gravitation, into that dark abyss of anarchy and ruin, where all tyrannies have fallen. He is the friend—the only true friend to this Union, who struggles to re-establish it upon those principles of moderation and justice, which alone can make it last. The question is—indeed the question is, how shall the Union be saved? I answer, in the language of Mr. Jefferson, "nullification is the rightful remedy." I say with Mr. Madison, the State must "interpose and arrest the progress of the evil" now whilst the Union is yet worth preserving—now, while yet some warmth of affection lingers in our bosoms—now, whilst we have the respect of our brethren, and contempt from our vacillation and pusilanimity, may not tempt a resort to force and blood.

If to think, to speak, to feel such sentiments as these, constitute me a disunionist and a traitor, according to the English language as now understood in Carolina—then gentlemen, I am a Disunionist!—I am a Traitor!